

SENATE.

SATURDAY, January 6, 1917.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, in the ever present duties of life we feel that we must always call upon the divine guidance and blessing, for human strength and wisdom have never been sufficient for human life. We have our life not only set in this world's circumstance but also projected into the eternal and changeless. The influence of our lives must go out and touch the life of those about us, not only for time but for eternity. So we pray that Thou wilt give us wisdom for the duties of this day, that Thou wilt give us grace and piety for walk with God in all the duties of life, that we may stand at last approved in Thy presence. For Christ's sake. Amen.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hollis	Phelan	Sterling
Bankhead	Hughes	Pittman	Stone
Beckham	Johnson, S. Dak.	Poindexter	Thomas
Brady	Jones	Ransdell	Thompson
Brandegee	Kenyon	Reed	Tillman
Bryan	Kirby	Robinson	Townsend
Clapp	Lane	Saulsbury	Vardaman
Clark	McCumber	Shafroth	Wadsworth
Culberson	McLean	Sheppard	Walsh
Curtis	Martine, N. J.	Sherman	Watson
Dillingham	Nelson	Shields	Works
Fletcher	Norris	Simmons	
Gallinger	Overman	Smith, Ga.	
Harding	Page	Smoot	

Mr. MARTINE of New Jersey. I desire to announce the absence of the Senator from Oklahoma [Mr. GORE] through illness. I ask that this announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND].

Mr. HUGHES. I wish to announce that the senior Senator from Kentucky [Mr. JAMES] is unavoidably detained from the Senate on account of illness. I will let this announcement stand for the day. The senior Senator from Kentucky has a general pair with the junior Senator from Massachusetts [Mr. WEEKS].

Mr. LANE. I desire to announce that my colleague [Mr. CHAMBERLAIN] is necessarily absent.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. The Secretary will read the Journal of the proceedings of the previous day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Thursday, January 4, 1917, when, on request of Mr. OVERMAN, and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FLOOD CONTROL.

Mr. VARDAMAN. Mr. President, on December 22 I reported from the Committee on Commerce for the senior Senator from Louisiana [Mr. RANSDELL] the bill (H. R. 14777) to provide for the control of floods of the Mississippi River and of the Sacramento River, Cal., and for other purposes. The report of the committee was signed by the Senator from Louisiana [Mr. RANSDELL] and by order of the committee the report was to be made by me for him, as he was then confined at his hotel on account of indisposition. The RECORD shows that I made the report for the Senator from Louisiana, but I see that my name appears in the caption and upon the calendar. I ask permission that it be changed so that the RECORD may show that the Senator from Louisiana [Mr. RANSDELL] made the report, and that he is in fact in charge of what is known as the flood-control bill. I make this correction because I feel that the Senator is entitled to it, and it was an oversight on the part of the clerks.

The PRESIDENT pro tempore. Without objection, the request of the Senator from Mississippi will be granted.

SENATOR FROM WYOMING.

The PRESIDENT pro tempore. The Chair lays before the Senate the credentials of JOHN B. KENDRICK, chosen by the qualified electors of the State of Wyoming a Senator to represent that State, which will be printed in the RECORD and placed on the files of the Senate.

The credentials are as follows:

THE STATE OF WYOMING,
EXECUTIVE DEPARTMENT, CHEYENNE.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, JOHN B. KENDRICK was duly chosen by the qualified electors of the State of

Wyoming a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1917.

Witness: His excellency our governor, JOHN B. KENDRICK, and our seal hereto affixed at Cheyenne this 23d day of December, in the year of our Lord 1916.

[SEAL.]

JOHN B. KENDRICK, Governor.

By the governor:

FRANK L. HOUX, Secretary of State.
By F. H. WESTCOTT, Deputy.

SENATOR FROM TEXAS.

Mr. SHEPPARD. Mr. President, I have the honor to present the credentials of my colleague the senior Senator from Texas [Mr. CULBERSON] for the succeeding term in the Senate. I ask that the credentials be read and properly filed.

The credentials were read and ordered to be filed, as follows:

CERTIFICATE OF ELECTION.

THE STATE OF TEXAS.

This is to certify that at a general election held in the State of Texas on the first Tuesday after the first Monday in November, A. D. 1916, being the 7th day of said month, CHARLES A. CULBERSON having received the highest number of votes cast for any person at said election for the office hereinafter named, was duly elected as United States Senator for the State of Texas.

In testimony whereof I have hereunto subscribed my name and caused the seal of State to be affixed at the city of Austin, on this 18th day of December, A. D. 1916.

[SEAL.]

JAMES E. FERGUSON, Governor.

By the governor:

JOHN G. MCKAY, Secretary of State.

SENATOR FROM MICHIGAN.

Mr. GALLINGER. Mr. President, on Monday, December 18, the Senator from Michigan [Mr. SMITH] presented the credentials of CHARLES E. TOWNSEND for the term beginning March 4, 1917, which were read and ordered to be placed on file.

The form of these credentials seems, upon examination, to be imperfect, and on January 2 credentials in the usual form suggested by the resolution of the Senate of August 24, 1914, were handed down by the President pro tempore, which I ask may be placed on the files and recorded by the Secretary under the rule in lieu of those first presented.

I will say that the first credentials were not signed by the governor, and to that extent were imperfect. The second set which came in are in due form.

The PRESIDENT pro tempore. The second set were filed by order of the Senate, and they will be printed in the RECORD.

The credentials are as follows:

STATE OF MICHIGAN, EXECUTIVE OFFICE, LANSING.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 7th day of November, 1916, CHARLES E. TOWNSEND was duly chosen by the qualified electors of the State of Michigan a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1917.

Witness: His excellency, our governor, Woodbridge N. Ferris, and our seal hereto affixed at Lansing this 22d day of December, in the year of our Lord 1916.

[SEAL.]

WOODBIDGE N. FERRIS, Governor.

By the governor:

COLEMAN C. VAUGHAN,
Secretary of State.
By GEORGE L. LUSK,
Deputy Secretary of State.

SENATOR FROM NEVADA.

Mr. NEWLANDS. I present the credentials of my colleague, Hon. KEY PITTMAN, which I ask may be read and placed on the files of the Senate.

The credentials were read and ordered to be filed, as follows:

STATE OF NEVADA, EXECUTIVE DEPARTMENT.

Whereas at the general election held in the State of Nevada on the 7th day of November, 1916, KEY PITTMAN was duly elected to the office of United States Senator for the term of six years from and after March 4, 1917, and until his successor is elected and qualified. Now, therefore, Emmet D. Boyle, governor of the State of Nevada, by the authority in me vested by the constitution and laws thereof do hereby commission him, the said KEY PITTMAN, of the State of Nevada, and authorize him to discharge the duties of said office according to law and to hold and enjoy the same, together with all the powers, privileges, and emoluments thereunto appertaining for the term as aforesaid.

In testimony whereof I have hereunto set my hand and caused the great seal of State to be affixed at Carson City this 28th day of December, in the year of our Lord 1916.

[SEAL.]

EMMET D. BOYLE,
Governor of the State of Nevada.

By the governor:

GEORGE BRODIGNAN,
Secretary of State.
By J. W. LEGATE,
Deputy.

BUREAU OF ANIMAL INDUSTRY (H. DOC. NO. 1887).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Agriculture, transmitting, pursuant to law, a statement showing the names of all persons employed in the Bureau of Animal Industry during the fiscal year ended June 30, 1916, except those whose salaries were paid exclusively from the meat-inspection appropriation, which, with the accompanying paper, was referred to the Committee on Agriculture and Forestry and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the memorial of William H. Cox in behalf of the Pokogan Tribe of Pottowatomi Indians, remonstrating against the conversion of lake lands in the northern part of Indiana into a national park, which was referred to the Committee on Indian Affairs.

He also presented a petition of General Henry W. Lawton Camp, No. 4, United Spanish War Veterans, of the District of Columbia, and a petition of the Council of the Order of Washington, D. C., praying for the enactment of legislation to protect the flag of the United States, which were referred to the Committee on the Judiciary.

Mr. KENYON presented petitions of sundry citizens of Iowa, praying that the surplus money received from naturalization sources may be used for the education of immigrants, which were referred to the Committee on Immigration.

Mr. SHEPPARD presented petitions of the Young People's Christian Endeavor Society of the Randle Highlands Baptist Church; of the Woman's Foreign Missionary Societies and the Woman's Home Missionary Societies of the Methodist Episcopal Churches of the District of Columbia; of the Vaughan Bible Class of the Calvary Baptist Church; of the Third Quarterly Conference of the Asbury Methodist Episcopal Church (colored); and of the congregation of the Douglass Memorial Episcopal Church, all in the District of Columbia, praying for prohibition in the District of Columbia, which were ordered to lie on the table.

Mr. PHELAN presented a telegram in the nature of a memorial from the Pacific Press Publishing Association, of Mountain View, Cal., remonstrating against proposed changes in zone postal rates, which was referred to the Committee on Post Offices and Post Roads.

Mr. HARDING presented a petition of sundry citizens of Dayton, Ohio, praying for the establishment of a national leprosarium, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Columbus, Ohio, remonstrating against the enactment of legislation to exclude liquor advertisements from the mails, which were ordered to lie on the table.

Mr. LANE presented memorials of sundry citizens of Oregon, remonstrating against compulsory military training, which were referred to the Committee on Military Affairs.

Mr. WEEKS presented petitions of sundry citizens of Massachusetts, praying for national prohibition, which were ordered to lie on the table.

Mr. POINDEXTER. I present a memorial of the president of the Porto Rico Federation of Labor, making certain representations on the pending Porto Rican government bill. I ask that it be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., December 4, 1916.

STATEMENT BY SANTIAGO IGLESIAS, PRESIDENT OF PORTO RICO FEDERATION OF LABOR, ON PORTO RICO BILL.

[This statement in full was handed to President Wilson by President Gompers, of the American Federation of Labor, at the White House, Dec. 4, 1916.]

I now want to make particular reference to the constant failure of Congress during the last few years to enact a law as to the status of the people of Porto Rico. There is now pending before the Senate a bill which, if it becomes law, certainly will define forever the status of the people of Porto Rico. The bill contains several clauses of a reactionary character, against which the Free Federation of Workingmen of Porto Rico emphatically protest.

Before entering into the presentation of the features of the bill to which the labor people as well as the people in general of Porto Rico protest, let me quote the Hon. JOHN F. SHAFROTH, chairman of the committee of the Senate on the Pacific Islands and Porto Rico, in an address to the Senate:

"Mr. President, in the formation of our Republic we put forth to the world new principles of government which seemed so plain to us that we declared them to be self-evident truths. We declared that all men are created equal, not in intellect, not in height, not in strength, not in color, and not in many other respects, but equal in rights. We declared that man is entitled, as an unalienable right, to life, liberty, and the pursuit of happiness. We said in that declaration that so sacred are these rights against tyranny that they not only shall not be invaded by others but they can not be bartered away even by ourselves."

The working people of Porto Rico wonder why Senator SHAFROTH has not followed the splendid policy he outlined in the framing of the Porto Rican bill.

Section 26 of the Jones bill, with amendments by the Senate committee, of which Senator SHAFROTH is chairman, says:

"No person shall be a member of the Senate of Porto Rico who does not own taxable property in Porto Rico to the value of not less than \$1,000."

Section 27 of the same bill says:

"No person shall be a member of the house of representatives who does not own and pay taxes upon property of the assessed value of not less than \$500."

The only argument which Gov. Yager advanced in advocating the property and the literacy qualifications is that he has proof that the corporations practically control the votes of large groups of working people.

The labor movement of Porto Rico, as expressed through the Free Federation of Workingmen, affiliated with the American Federation of Labor, has been and is now the most potential and influential factor in the island to Americanize the people of Porto Rico to the American standard of political action and freedom, and it has succeeded in a great measure in freeing them from the influence of the employers politically as well as economically. It is a dangerous proposition at this time to impose a property qualification on members to be elected for the Senate as well as for the House of Representatives of Porto Rico. To give to only those with property qualification the right to control the affairs of the people of the island will have a tendency to strengthen and encourage the agitation and propaganda of those who are already preaching anti-American sentiments and striving for the independence of the island.

Section 35 of the same bill states:

"That no person shall be allowed to register as a voter or to vote in Porto Rico unless he is able to read and write or he is a bona fide taxpayer."

This has been amended by adding these words:

"That all legally qualified electors of Porto Rico at the last election shall be entitled to register and vote at elections for 10 years from and after the passage of this act."

If Congress enacts the bill containing the clause quoted, it will disfranchise three out of every four voters of Porto Rico—the provision will practically disfranchise 175,000 workmen out of a total of 205,000 voters of the whole island. The adoption of that clause would be a great political mistake and a national wrong imposed upon the people of the island.

The people of Porto Rico exercised the franchise for the last 16 years, and even under the Spanish monarchy. Such rights were accorded to our people by the Cortes of Spain and our local legislature, and now the Congress of the United States is being advised to take away those rights that our people enjoy and possess. It is indeed a very serious question; that the same bill which purports to grant American citizenship to the people of Porto Rico shall take away the civil rights that our people enjoy and possess, so it will clearly appear to the minds of the people that in being honorably granted citizenship of the United States they are going to lose their civil rights, and a property qualification is to be required for those who make the laws and rule the working people, who constitute ninety-odd per cent of the people of the island.

On the other hand, no means are provided to enable some 300,000 children to attend schools, which amounts to 60 per cent of the total electoral population, who, because of the inability to obtain an education, will be deprived of the right of franchise. Moreover, under the proposed law only such citizens as pay a tax will be privileged to be representatives in the legislature of the island. Workmen, however bright and intelligent they may be, if they pay no taxes will be disqualified and robbed of the right to be representatives.

Recently Gov. Yager, of Porto Rico, was quoted by the press as saying that it is absolutely necessary that the Jones bill be passed in Congress before the holiday recess, in order to check forever the anti-American and independence agitation in the island.

Recently, in a conversation with Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs in the War Department, I tried to convey to him the influences, ideas, and political conditions that now exist in Porto Rico, and he made the following remark, referring specially to that section of the bill relative to the civil rights of Porto Rico: "Those clauses are not essential to the principles of the bill and could very well be eliminated." While the Jones bill grants to the people of Porto Rico American citizenship, that same bill forces upon our people theories of government which have long ago been repudiated by the progressive force of American democracy as well as the progressive force of Porto Rico.

If the condition of the people of Porto Rico is ever to be raised to a standard at all compatible with that prevailing in the United States, the civil and political rights that we now enjoy and possess must be guaranteed and extended in the new organic law now pending before the Senate.

The Free Federation of Workingmen of Porto Rico maintains fully the same declarations and petitions duly made to the President of the United States in Congress year after year.

The people of the island want to solve a great economic problem by the right guaranteed by the new constitution to use the Government, whose upholders they are, to obtain loans at a low rate of interest, the Government in making such loans do away with the dreadful usury prevailing through the country. In so doing the Government would also hamper and lessen the social and industrial oppression of the masses and help thereby in diffusing the wealth.

The banking system and the credit have both been left in the hands of private manipulation. Both speculation and monopoly, as well as the control of the local government, has fallen into the hands of the most powerful corporations.

The private monopoly of vital interests of the community of the island is detrimental to the well-being of the people, and such monopoly and control of the wealth produced by the people are creating among the popular minds a moral state of indignation against the hateful industrial oppression which has been the cause of so much wretchedness, privation, and hunger among the working masses.

We hope the United States Congress will enact a constitution furthering the common good of all the people of Porto Rico and in the general interest of the island relieving the masses of the social and industrial oppression they suffer—oppression which is casting discredit upon the American flag. Congress should suppress the monopoly effected by the corporations; the exportation of wealth produced by Porto Rican workers should be regulated so as to retain the

great part for the benefit of the inhabitants of the island. Now, more than 60 per cent is exported, a circumstance which turns the island into a trading post operated by underfed and barefoot laborers, and in this way the constitution would benefit the whole people and not a specially privileged class or party. Such a measure would promote the diffusion of wealth and comfort, intelligence, virtue, and equal opportunity, which are the chief aims and aspirations of the wise, democratic American institutions.

EXTRACT FROM H. R. 9533—AMENDMENTS.

Page 23, section 26, lines 10 to 13, strike out the words "and who does not own in his individual right taxable property in Porto Rico to the value of not less than \$1,000 assessed in his name and upon which he pays taxes."

Page 24, section 27, lines 7 to 10, strike out the words "and who does not own in his individual right taxable and pays taxes upon property, real or personal, situated in Porto Rico, of the assessed value of not less than \$500."

That section 35 be amended so as to read as follows:
"Sec. 35. That at the first election held pursuant to this act, the qualified electors shall be those having the qualifications of voters under the present law; thereafter voters for all offices elected by the people shall have the qualifications prescribed by the Legislature of Porto Rico and be comprised within one of the following classes:

"(a) Those who at the election of 1917 were legal voters and exercised the right of suffrage.

"(b) Those who are able to read and write either Spanish or English.

"(c) Those who are bona fide taxpayers in their own name in an amount of not less than \$3 per annum."

GOVERNMENT EXHIBIT IN THE DISTRICT OF COLUMBIA.

Mr. MARTINE of New Jersey, from the Committee on Industrial Expositions, to which was referred the joint resolution (S. J. Res. 182) inviting the people of the United States to visit the District of Columbia during the week of February 26 to March 4, 1917, to view the Capitol and inspect an exhibition of the various activities of the Government service, reported it without amendment.

MAHONING RIVER BRIDGE, OHIO.

Mr. SHEPPARD. I report back from the Committee on Commerce favorably, without amendment, the bill (S. 7556) to grant to the Mahoning & Shenango Railway & Light Co., its successors and assigns, the right to construct, complete, maintain, and operate a combination dam and bridge and approaches thereto across the Mahoning River, near the borough of Lowellville, in the county of Mahoning and State of Ohio. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 7710) to amend the irrigation act of March 3, 1891 (26 Stat., 1095), section 18, and to amend section 2 of the act of May 11, 1898 (30 Stat., 404); to the Committee on Irrigation and Reclamation of Arid Lands.

By Mr. BECKHAM:

A bill (S. 7711) granting an increase of pension to Cyrus B. Parrigan; and

A bill (S. 7712) granting a pension to Mary E. Whitaker (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 7713) granting to the city and county of San Francisco, State of California, a right of way for a storm-water relief sewer through a portion of the Presidio of San Francisco Military Reservation; to the Committee on Military Affairs.

A bill (S. 7714) for the relief of Katie Norvall; to the Committee on Claims.

By Mr. HOLLIS:

A bill (S. 7715) granting an increase of pension to Vilas E. Bryant (with accompanying papers); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 7716) granting a pension to Emma A. Hoskins; to the Committee on Pensions.

By Mr. SHIELDS:

A bill (S. 7717) granting an increase of pension to Barnard J. Irwin; to the Committee on Pensions.

By Mr. THOMPSON:

A bill (S. 7718) granting an increase of pension to Carlton J. Beaman (with accompanying papers); to the Committee on Pensions.

By Mr. HARDWICK:

A bill (S. 7719) to prohibit commerce in intoxicating liquors between the States in certain cases; to the Committee on the Judiciary.

By Mr. TILLMAN:

A bill (S. 7720) to amend section 1570 of the Revised Statutes of the United States, relative to additional compensation to seamen, landsmen, and marines;

A bill (S. 7721) to reestablish the United States Naval Reserve created by the act of March 3, 1915;

A bill (S. 7722) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916;

A bill (S. 7723) to amend section 1496 of the Revised Statutes of the United States, relative to the examination of officers of the Navy for promotion; and

A bill (S. 7724) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1917, and for other purposes," approved August 29, 1916; to the Committee on Naval Affairs.

By Mr. WEEKS:

A bill (S. 7725) granting an increase of pension to Martha R. Griswold (with accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 7726) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended; to the Committee on Interstate Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BRADY submitted an amendment proposing to appropriate \$3,000 for repairing and completing the wasteways of the canal system on the lands owned by the white men on the Fort Hall Indian Reservation, Idaho, etc., intended to be proposed by him to the Indian appropriation bill (H. R. 18453), which was referred to the Committee on Indian Affairs and ordered to be printed.

He also submitted an amendment proposing to appropriate \$20,000 to equip and maintain a United States sheep experiment station in Fremont County, Idaho, intended to be proposed by him to the Agricultural appropriation bill (H. R. 19359), which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. GALLINGER submitted an amendment proposing to increase the salary of the secretary to the Board of Commissioners of the District of Columbia from \$2,400 to \$3,000, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SAULSBURY submitted an amendment proposing to appropriate \$36,000 for the purchase of lot 61 in square 553, in the District of Columbia, for a playground site, intended to be proposed by him to the District of Columbia appropriation bill (H. R. 19119), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TILLMAN submitted an amendment proposing to appropriate \$10,000 for the purchase and installation of 100 bulletin boards constructed in accordance with United States letters patent No. 1206148, to be placed in such post offices as the Civil Service Commission may deem most advisable, etc., intended to be proposed by him to the legislative, etc., appropriation bill (H. R. 18542), which was referred to the Committee on Appropriations and ordered to be printed.

MIDWINTER CARNIVAL—ST. PAUL, MINN.

Mr. CLAPP. I introduce a joint resolution and ask that it be read.

The joint resolution (S. J. Res. 191) authorizing the Postmaster General to provide the postmaster at St. Paul, Minn., with a special canceling die for the winter sports carnival of that city, was read the first time by its title and the second time at length, as follows:

Whereas the city of St. Paul, Minn., is making extensive preparations for the second annual midwinter carnival to be held in said city from January 27 to February 3, 1917; and

Whereas the projected celebration by said city, in connection with said carnival, will include pageants, national athletic games, tournaments, parades, and many other midwinter demonstrations, that will attract visitors from all parts of the United States; and

Whereas the citizens' committee having the celebration in charge have widely advertised the approaching event, with the result that a great increase of incoming and outgoing mail matter is now being handled by the St. Paul, Minn., post office: Therefore be it

Resolved, etc., That the Postmaster General of the United States be, and he hereby is, authorized to prepare and deliver to the postmaster at St. Paul, Minn., a special canceling device to be used in the cancellation of mail matter in the post office of that city from and after the passage of this joint resolution up to and including February 15, 1917, said die to be of such design as may be agreed upon by the Postmaster General and the citizens' committee of St. Paul, Minn.

Mr. CLAPP. I ask unanimous consent for the present consideration of the joint resolution. A similar joint resolution has been introduced in the House of Representatives, and it is necessary to have legislation passed at an early day in order to secure the canceling die to be used in connection with the winter sports carnival, which is to be held at St. Paul, Minn., January 27 to February 3 of this year.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MINING ON INDIAN RESERVATIONS.

Mr. ASHURST. Mr. President, some days ago I rose and attempted to secure recognition for the purpose of asking unanimous consent for the consideration and passage of the bill (H. R. 12426) to authorize mining for metalliferous minerals on Indian reservations. I do not wish in the morning hour to bring up any bill which will lead to long discussion, but I desire to say that this bill, which has, of course, passed the other House, has been reported favorably from the Committee on Indian Affairs of the Senate. It proposes to extend the right to Indians and other persons to locate, prospect, and to mine for metalliferous minerals on Indian reservations in accordance with regulations issued by the Interior Department. I now ask unanimous consent that the Senate advert to this bill, because I think it can be passed in a few moments. I should like to have the bill read.

Mr. SMOOT. I shall object to that until the morning business is concluded.

The PRESIDENT pro tempore. Are there further bills or joint resolutions? [A pause.] Concurrent and other resolutions are now in order.

PROPOSED AMENDMENT TO THE RULES.

Mr. JONES. Mr. President, I desire to ask a question in the nature of a parliamentary inquiry. During the legislative day of yesterday I gave notice of an amendment which I intend to propose to the standing rules of the Senate. As I understand, I can call that up during the morning hour any day that I desire to do so. I want to ask the Chair if that is correct?

The PRESIDENT pro tempore. That matter went over under the rule, and would naturally come under the next order of business, the Chair would think, as being a resolution coming over from a previous day.

Mr. JONES. It is not a resolution, I will say to the Chair, but simply the notice required by the rules that on a subsequent day I should offer an amendment to the rules. As I understand, pursuant to that notice, I can offer such amendment any day that I see fit when I can obtain recognition.

The PRESIDENT pro tempore. On that statement of the Senator, the Chair understands that is the correct construction.

Mr. JONES. I will say that I do not intend to present the matter to-day, but shall do so possibly some time early next week.

REPUBLIC OF CUBA V. STATE OF NORTH CAROLINA.

The PRESIDENT pro tempore. Are there concurrent or other resolutions. If there be none, the Chair lays before the Senate a resolution coming over from a previous day, submitted by the Senator from North Carolina [Mr. OVERMAN], which will be read.

The Secretary read the resolution (S. Res. 300), as follows:

Whereas the Republic of Cuba moved in the Supreme Court of the United States to be permitted to institute an action of debt against the State of North Carolina upon certain bonds purporting to be issued by the said State of North Carolina in the years 1868 and 1869, which said bonds are particularly described in the declaration of the Republic of Cuba filed with its motion: Now, therefore, be it

Resolved, That the Secretary of State of the United States is directed to use his offices with the Republic of Cuba to ascertain when and under what circumstances the Republic of Cuba acquired these bonds; and from whom it acquired them; and for what purpose it holds them; and what price, if any, it paid for said bonds; and if the Republic of Cuba has moved to institute suit against the State of North Carolina in behalf of itself or in behalf of others who may own said bonds; and to communicate said information to the Senate of the United States.

Mr. OVERMAN. Mr. President, that resolution, which comes over from a previous day, and which was introduced by me, asks for certain information in regard to a suit brought against the State of North Carolina by the Republic of Cuba. I am going to move to indefinitely postpone the resolution, because the resolution and the debate that occurred upon it on this floor have had the effect that I intended, for I now have all the

information which I desired furnished me by the Republic of Cuba.

Furthermore, I am glad to state to the Senate that Cuba, our sister Republic, has very graciously and most cordially revoked this decree and has ordered that the suit against the State of North Carolina for \$2,000,000 be withdrawn.

Mr. President, our sister Republic is very indignant that she should have been imposed upon by these creditors. It has been a "frame-up." I want to commend his excellency, the Cuban minister, for the very gracious and friendly spirit in which he has handled the matter. A few hours after he read the debate in the RECORD—and it seems that all of the ministers and ambassadors from foreign countries read the RECORD every morning—he transmitted to his country the substance of the debate and the resolution. In consequence of his having done so, Cuba has taken this action.

I now desire to put into the RECORD a communication I have in regard to the matter, including a copy of the decree made by Cuba, and also stating the facts and circumstances upon which these bonds were received.

It seems, Mr. President, that there is in this country a committee that holds the repudiated bonds on which they have made these "frame-ups," or tried to make "frame-ups," in order to get some State or foreign country to pull these chestnuts out of the fire, either by misrepresentation or withholding the facts in regard to these bonds. They have succeeded in one State, but many of the States have spurned them since they have become acquainted with the facts. Of course, the Republic of Cuba knew nothing of the character of these bonds. They were donated to a charitable institution, which accepted them, thinking the bonds were good. As a consequence a decree was entered ordering the attorney general of Cuba—I do not know his name; I can not call his name—together with a man by the name of Burnstine, who represented these bondholders, to bring suit against North Carolina in the Supreme Court of the United States. That suit was set for a hearing upon the question of jurisdiction on Monday next. So, our sister Republic, since informed of the character of these bonds, has acted very quickly to settle this matter and wishes to express her indignation at the way in which she has been treated.

Now, Mr. President, I ask that the letter which I hold in my hand containing the facts be printed in the RECORD, without reading. They are very interesting, and I hope Senators will read them; but I am not going to delay the Senate by asking to have them read from the desk. I also ask that there be printed in the RECORD an extract from an opinion of Chief Justice White in the celebrated case of South Dakota against North Carolina, giving merely one extract from his opinion.

The PRESIDENT pro tempore. In the absence of objection, permission to do so will be granted.

The matter referred to is as follows:

WASHINGTON, D. C., January 6, 1917.

HON. LEE S. OVERMAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Referring to the petition filed in the Supreme Court of the United States, on behalf of the Republic of Cuba, to bring suit against the State of North Carolina on certain unpaid bonds of that State, I can now, from information received from authoritative sources, communicate the following facts:

Some time last summer an attorney, a resident of New York, proffered, on behalf of the "Bondholders defaulted committee," to the Cuban Beneficencia, an endowed charity corporation controlled by a board under the general supervision of the Government, 795 North Carolina bonds of several railroad construction issues. This donation seems to have been accepted without any thorough understanding on the part of the donee corporation or the officials representing it of the nature of the bonds, of the conditions under which they were issued, or of the facts connected with the State's disavowal thereof.

Through some means—the details of which we have not been able to exactly ascertain—a decree was entered on July 24, 1916, but not published until November 16, 1916, and signed by the President of Cuba, authorizing the institution of a suit in the Supreme Court of the United States through two attorneys named in the decree, and providing that the Department of Justice could make an agreement regarding their compensation.

I am authoritatively informed that the State Department of Cuba knew nothing of this matter until after entry of the decree and the filing of the petition in the Supreme Court of the United States, and that the President of Cuba had not been personally informed of the nature of the decree until after that event. A copy of the decree authorizing the suit is hereto annexed and, as you will observe, it provides for the appointment of attorneys, one of whom is an American citizen and one a Cuban, and gives the Department of Justice power to fix their compensation.

During the past two weeks there has been considerable correspondence by cable between the Cuban authorities in Havana and the legation at Washington in regard to the matter; and now that the matter has been fully explained to the home authorities in Cuba, the Minister of Cuba to the United States, who has taken a deep and friendly interest in the matter toward the United States, is now authorized to make public the fact that the President of the Republic of Cuba, on January 4, 1917, dictated a decree, the most important part of which,

and which relates to the petition filed in the Supreme Court, is as follows:

"Whereas the necessary claim for the payment of said bonds and coupons has been presented to the Supreme Court of the United States;

"Whereas by the terms in which the question is presented the Government does not hold convenient to its interests and ends to continue the suit begun against the State of North Carolina for the payment of said bonds and coupons:

"At the proposal of the secretary of justice, I resolve to revoke and leave without force the decree No. 1438, of July 24, 1916, and therefore, without effect the appointment therein made, as attorneys of Messrs. Marcus H. Burnstine and Guillermo Portela y Moller, to whom this shall be made known, to the proper objects and consequences."

The minister of Cuba to the United States has also been authorized to state that the claim on these bonds was made only by the department of public health and charities of Cuba, although, according to law, the President of the Republic and the secretary of justice were called upon to give the powers of attorney for the presentation of the claim.

I understand that this information is about to be officially transmitted by the Cuban minister to the Secretary of State, and through the latter to the Department of Justice, so that the position of Cuba in this matter can be properly presented to the Supreme Court of the United States.

As you will remember, the Supreme Court of the United States, on receiving the petition of Mr. Burnstine on behalf of the Republic of Cuba, ordered a copy of the papers sent to the Attorney General of the United States, and I believe that the Solicitor General intends to present in proper legal form to the Supreme Court on Monday, January 8, when the rule on the petition for leave to file is returnable, the facts which I now communicate to you, and which will demonstrate to the court that by reason of the revocation of the decree on which the suit is based no further action can be taken in the matter.

With highest expressions of esteem, believe me, my dear Senator OVERMAN, to be

Yours, very sincerely,

CHAS. HENRY BUTLER,
Of Counsel for the State of North Carolina.

DECREE NO. 1438.

[Translated from the *Gaceta Oficial* of Nov. 16, 1916.]

Whereas it appears from an inquiry instituted in the department of health and charities at the behest of Sr. Guillermo Portela that the Bondholders' Defaulted Committee have donated to the Beneficencia de Cuba 795 bonds and coupons pertaining to the following issues of the State of North Carolina, United States: Western North Carolina Railroad Co., issue of April 1, 1869; Wilmington, Charlotte & Rutherford Railroad Co., issue of April 1, 1879; Williamson & Tarbor Railroad Co., issue of October 1, 1868; Western Railroad Co., issue of April 1, 1869; and Western North Carolina Railroad Co., issue of October 1, 1868;

Whereas to recover the amount represented by said bonds and their coupons it might be necessary to bring in the courts of the United States and before other competent authorities judicial suits or claims of other kind;

Whereas according to article 7 of the Instruccion de Beneficencia (charity regulations) of April 27, 1875, in connection with article 324 of the Law of the Executive Power, it is incumbent upon the Government of the Republic to represent and protect all charitable institutions of a general character;

Whereas, according to article 103 of the Laws of the Executive Power, it is the duty of the secretary of justice to take appropriate steps to cause the proper application of property of all kinds devoted to public charity establishments or foundations, when so requested by the cabinet officer having jurisdiction in such matters, while in the present case the secretary of health and charities has requested this decree of the secretary of justice;

Whereas the secretary of justice may, under the provisions of article 110 of the Law of the Executive Power, utilize in the service of the Republic the lawyers whom he shall deem necessary and appropriate, stipulating with them the compensation which they shall receive:

I hereby resolve—

First. That the sum to which the bonds and their coupons of the aforesaid issues amount be collected, bringing therefor all judicial and extrajudicial claims which may be necessary until that purpose is accomplished.

Second. That the secretary of justice designate Messrs. Marcus H. Burnstine and Guillermo Portela y Moller, lawyers, to exercise in the courts of the United States, including the Supreme Court of the United States, on behalf of the Government of Cuba in its exercise of the protectorate of public charities, all actions which might appertain to the Government of Cuba in order to obtain the payment of the amount represented by said bonds and their coupons, with authority likewise to conduct with competent administrative authorities any and all negotiations which might be helpful, appropriate, or necessary for the collection of said amount, and with authority in any case to compromise the claims of the Republic, first consulting the secretary of health and charities.

Third. The secretary of justice and the secretary of health are hereby charged with the fulfillment of this decree.

Given in "Durana," Mariana, the 24th day of July, 1916.

M. G. MENOCAL, President.
C. DE LA GUARDIA,
Secretary of Justice.

[Extract from dissenting opinion of Justice, now Chief Justice, White in *South Dakota against North Carolina* (192 U. S., 286, pp. 349-350).]

Third. Finally, putting out of view the various considerations which I have previously stated, in my opinion this record discloses a condition of things which ought to prevent a court of equity from exerting its powers to enforce for the benefit of the State of South Dakota the claim which it asserts against the State of North Carolina. From the facts which I have at the outset recited it is undeniable that at the time the gift was made to the State of South Dakota of the bonds in question they were past due, and payment thereof had been more than 20 years prior to the gift refused by the State of North Carolina. The letter evidencing the gift demonstrates that the purpose of the gift to

the State of South Dakota was to enable that State to assert a cause of action against the State of North Carolina which did not exist in favor of the transferor. It also appears by the act of the Legislature of South Dakota, under which this suit was brought, that the State of South Dakota deemed that it might acquire a mere right to litigate, since the act itself in advance provided that the attorney general of the State should prosecute actions in the name of the State to recover on bonds or choses in action which might be transferred to the State, and that it contemplated litigation without cost to itself, since the act empowered the attorney general to employ counsel to prosecute suits, the compensation to be paid out of the proceeds which might be realized. This condition of things, in my opinion, although it may not be champertous in the strict sense of that word, is in its nature equivalent to a champertous engagement, whose enforcement is contrary to public policy, and one which a court therefore ought not to lend its aid to carry into effect. It has been sometimes said that the doctrine of maintenance and champerty has no application to the sovereign. But this can alone be justified by taking into view the high attributes which pertain to sovereignty. Now, if the State of South Dakota may avail of the delegation of judicial power over controversies between States—a power conferred in view of the sovereign dignity of all the States—for the purpose of destroying the sovereignty of another State by subjecting such State to judicial coercion concerning a claim of a private individual, then it seems to me the State of South Dakota should be treated as any other private individual seeking to enforce a private claim, and should have applied to it by a court of equity the principles of morality and justice which control such courts in refusing aid to persons who acquire merely litigious and speculative claims.

Mr. OVERMAN. I do not refer to these expressions of the learned Chief Justice as in any way reflecting on the action of Cuba. She has fully demonstrated her good faith by promptly repudiating the agreement on ascertaining its nature. I do refer to them as fittingly characterizing the action of those Americans who, although familiar with this opinion of the Chief Justice, were still willing to act in defiance of it and to the detriment of one of the States of this Union.

It seems to me, Mr. President, that it ought to be known—and it was known in 1871—by this country that the white men of the South were disfranchised and that the colored men were enfranchised; that carpetbaggers and other scoundrels went down there, took charge of the legislature, and issued these bonds for the purpose of building railroads. There never was a shovelful of dirt thrown in their construction, though they hawked \$13,000,000 of North Carolina bonds on the market at 5 and 10 cents on the dollar. Those bonds are now owned by these creditors.

I want to say to the Members of the Senate that the Senate of the United States, even in those times of bitterness, sent a committee down to North Carolina composed of some of the greatest men in this body to investigate the question of the issue of these bonds. I wish this extract printed for the same reason I introduced the resolution, because I want not only the States to know but I want the world to know what was done there, and because, Mr. President, these men have gone to Cuba and tendered these bonds to that Republic to carry out their nefarious purposes, in order that other countries may be informed and warned against them.

Suppose they should go to Mexico and donate or sell \$43,000,000 worth of bonds which they hold against North Carolina, \$100,000,000 worth of bonds, probably, against Georgia and against other Southern States of a similar character, Mexico could bring them as an offset against the claims we may have for depredations committed by that country. Then the matter would go to The Hague, and, as I stated the other day, it might involve a great international question which might result in war.

I want the Senate to listen to the reading of the minority report of a United States Senate committee made in 1871 about these North Carolina bonds. I ask the Secretary to read what I have marked, which is only a short extract, and then I ask that the whole record which I present be printed in the RECORD. I will say that this is taken from a Senate document, and I want Senators to hear what in 1871 a minority report of a committee of the United States Senate stated in regard to this matter.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read from the document referred to, as follows:

These, then, were the methods taken to array the negroes in one compact body against the white people of the State in the election of 1868, under the reconstruction acts of Congress. The election was supervised by Gen. Canby, in command of that military division. Its result is well known. The enfranchised negroes, under the head of Gov. Holden and his carpetbag allies, backed by the military power of the Government, accomplished an easy victory over the disfranchised white people. But to make it complete, Gen. Canby gave orders to exclude a certain number of the conservatives elected to the legislature. Judge Reade, who administered the oath to the members elect, testifies that he was instructed by Gen. Canby to tell certain persons to whom particular disqualifications attached to stand aside, and he then proceeded to administer the oath of office to the remainder. (See testimony of Judge Reade, p. 412.) Thus was the reconstruction of North Carolina accomplished upon a loyal basis—a basis composed of ignorant negroes and unprincipled carpetbaggers, cemented and sustained by military power. The result might have been foreseen. The legislature, moved by a ring of unprincipled adventurers, went to work

to squander the money of the people. They issued twenty-five or thirty millions in the bonds of the State to certain railroad companies; the bonds were issued by Holden to these adventurers without exacting compliance with the law; the bonds were sold, and the money went into carpetbags and flitted away from the State. Ten millions of this issue were subsequently declared unconstitutional by the courts of the State, and of the balance not one million of the entire sum was ever applied to the construction of railroads. The value of the bonds sank in the market to 22 cents on the dollar. These transactions appear from the testimony of nearly all the witnesses examined; men of all shades of political sentiment testify to this shameless plunder of the State, and all unite in denouncing the outrage and deploring the ruin and bankruptcy that has been brought upon the State.

Mr. GALLINGER. Mr. President, may I ask my good friend from North Carolina what the report is from which the Secretary is reading?

Mr. OVERMAN. It is a report made to the Senate in 1871, and is taken from a public document.

Mr. GALLINGER. A report made by a committee of the Senate?

Mr. OVERMAN. By a minority committee of the Senate, and at a time when the heat and passion growing out of the Civil War were strong. The facts are stated in that document, and I wanted the country to know what even a minority committee of the United States Senate has said about this matter at that time.

Mr. GALLINGER. I did not understand what the report was. The Secretary resumed the reading, as follows:

"The majority of this committee allude to this matter as showing the latitude allowed in examination, and are seemingly unconscious of its significance. They do not appear to be aware of the fact that Congress, by establishing a government wholly irresponsible to the people of the State, composed of ignorant negroes without a dollar of property and controlled by designing men in search of pillage, made the plunder of the State inevitable. The same result has followed the same measures in every one of the reconstructed States. All have been plundered, and by the same means."

Again, at page 28 this report said:

"The statements are confirmed by every witness examined on this point; not a single witness contradicts it in any particular. Gov. Holden in his last message to the legislature, page 4, says the debt of the State is \$30,000,000, and adds that the people will not and can not pay it. This, then, is the admitted, undeniable condition of the State. It is utterly, hopelessly bankrupt! Ruined, plundered, made bankrupt by the governor and legislature forced upon the State by an act of Congress! Will the people of the North permit this whole community to be thus pillaged and plundered by a government created by their representatives in Congress and sustained in power by their Army—the Army of the United States? What would the people of any Northern State do under like circumstances? What would any brave people do who were thus despoiled; despoiled of their political rights by strangers and the most degraded class of their own citizens, and then plundered of their individual property and made bankrupt as a community?"

Mr. OVERMAN. Mr. President, I want to add to that document the names of the Senators who made the report. The Senator from New Hampshire [Mr. GALLINGER] has asked me who they were. This report is signed by Senators Bayard, of Delaware, and Blair, of Missouri.

Mr. TILLMAN. I suggest to the Senator from North Carolina that he print the original document.

Mr. OVERMAN. That, with all the evidence taken, would be too long, and it is not necessary to print it all. These are the findings, and I think that is all that is necessary.

The PRESIDENT pro tempore. Without objection, the request will be granted.

The document referred to by Mr. OVERMAN in full is as follows:

IN THE SUPREME COURT OF THE UNITED STATES,
January 8, 1917.

REPUBLIC OF CUBA, PLAINTIFF, VERSUS THE STATE OF NORTH CAROLINA,
DEFENDANT—MOTION FOR LEAVE TO INSTITUTE SUIT.

BRIEF FOR THE STATE OF NORTH CAROLINA, OPPOSING THE MOTION.

The State of North Carolina, one of the sovereign States of the United States, respectfully but earnestly protests to this honorable court that the Republic of Cuba, a foreign State, ought not to be allowed to sue the State of North Carolina in this court upon the causes of action set forth in her declaration, for the following reasons, to wit:

1. The State of North Carolina has not consented and does not consent that she be sued by the Republic of Cuba, and without her consent she can not be sued.

2. The constitution of North Carolina, by section 6, Article I, and section 9, Article IV, denies and forbids the consent of the State to be given to be sued particularly upon the causes of action stated in the declaration of the Republic of Cuba.

3. The Constitution of the United States, by section 10, third clause of Article I, forbids the State of North Carolina, without the consent of Congress, to enter into any compact or agreement with the Republic of Cuba, and no compact, agreement, or contract has been entered into by the State of North Carolina with the Republic of Cuba.

4. The declaration of the Republic of Cuba does not state a controversy between her and the State of North Carolina justifiable under the Constitution of the United States and cognizable under the jurisdiction of this court.

5. This attempt of the Republic of Cuba to sue upon the causes of action stated in her declaration is an attempt to evade the prohibitions of the eleventh amendment to the Constitution of the United States.

6. The declaration proposed to be filed by the Republic of Cuba shows upon its face that its causes of action, to wit, the bonds of the State of North Carolina, are stale claims against said State of North Carolina

which this court will not, under established principles of equity jurisprudence, permit to be made the subject of suit.

7. This court will not entertain the suit of the Republic of Cuba upon the causes of action stated in her declaration, because this court would be without power to enforce its judgment against the State of North Carolina.

THE CAUSES OF ACTION STATED IN THE DECLARATION OF THE REPUBLIC OF CUBA FILED WITH HER MOTION TO INSTITUTE SUIT AGAINST THE STATE OF NORTH CAROLINA.

In the year 1868, while the State of North Carolina was being reconstructed under the act of Congress and under the control of the Federal Army, the constitution of 1868 was ratified on April 21, 22, and 23, and at the same time a legislature was elected, which convened in special session on July 1, 1868, and in regular session on November 16, 1868. Hamilton, in his book on Reconstruction in North Carolina, page 430, thus writes of this period and this legislature:

"When the legislature met in special session in July, 1868, the work begun by the convention was continued, for there was small thought of constitutional restrictions, and by this time a well-organized lobby was crying loudly for the prosperity which could only come through the building of railroads and the issue of State bonds for the purpose. At the head of the lobby was Gen. M. S. Littlefield, with an able body of allies, chief of whom was John T. Dewesse and George W. Swenson, the latter being the paymaster of the 'ring.' Beginning at this session he allowed members of the legislature to cash their per diem at the Raleigh National Bank, of which he was a director, without charging them any discount. The 'third house' aided greatly in the work of the lobby, and Littlefield's readiness to make loans to needy statesmen, with no expectation of their being repaid, made him the idol of the carpetbaggers and corrupt scalawags, while his radicalism commended him to Republicans who were not tainted with dishonesty. His charm of manner and bonhomie made his company acceptable to many conservatives who at first did not question his motives or character. In the legislature Byron Ladin was the chief member of the ring, and as chairman of the committee on internal improvements was able to render great service to the cause. The 'ring' not only put through its own schemes, but in a short time undertook to market bond legislation at the rate of 10 per cent of the bonds received. Only through its aid could such legislation be secured, and it was thus able to make its own terms."

The bonds of the State authorized for railroad construction at these two sessions of the legislature aggregated \$27,850,000; the amount actually issued was \$17,640,000. It happened that the constitutionality of some of these acts was litigated in the courts, and the supreme court of the State declared them void, and thereby prevented the issue of about \$10,000,000 of State bonds. (Galloway v. Jenkins (1869, January term), 63 N. C., 147; Railroad v. Holden (1869), 63 N. C., 410.)

Although the constitution of the State adopted in 1868 contained in section 1, Article V, a limitation upon the rate of taxation, to wit, that it should not exceed 60¢ cents on the \$100 valuation, as declared by the supreme court in Railroad v. Holden (63 N. C., 427, January term, 1869), this limitation was disregarded and ignored in this reckless railroad legislation, and the special taxes authorized in the several acts of these sessions of the legislature amounted to \$0.6683 on the \$100 valuation of property alone in excess of the constitutional limit. (See Hamilton on Reconstruction in North Carolina, p. 449.) The levy for general purposes by this same legislature was 35 cents on the \$100, thus making the total levy \$1.0183. (Ch. 108, Laws 1868-69.) The limit having been reached, none of the constitutional tax rate was left for the ordinary purposes of government. This legislature also disregarded and ignored another section of the constitution of 1868—section 4, Article V, which declared:

"Until the bonds of the State shall be at par the general assembly shall have no power to contract any new debt or pecuniary obligation in behalf of the State, except to supply a casual deficit, or for suppressing invasion or insurrection, unless it shall in the same bill levy a special tax to pay the interest annually. And the general assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation except to aid in the completion of such railroads as may be unfinished at the time of the adoption of this constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon."

In Galloway v. Railroad (63 N. C., 147) and Railroad v. Holden (63 N. C., 410), both decided at January term, 1869, the Supreme Court of North Carolina held that a subscription for stock in a corporation and issuing bonds to pay for such stock is a gift of the credit of the State within the meaning of this section of the constitution, and prohibited thereby, unless approved by a vote of the people of the State. Under the decision of the court in these cases, and some acts of the legislature at its session in 1869-70, several millions of bonds were not issued, and \$4,345,000 that had been issued were returned to the State treasurer. The legislature of the State on January 20, 1870, passed a joint resolution (see Public Laws of North Carolina, 1869-70, pp. 226 and 227), as follows:

RESOLUTION IN RELATION TO SPECIAL-TAX BONDS.

"Resolved by the senate and house of representatives, That the treasurer be instructed not to pay any more interest on the special-tax bonds until authorized and directed so to do by this general assembly."

Further, the Legislature of North Carolina, at its session in 1869-70, passed an act (see Public Laws of North Carolina, 1869-70, ch. 71, which was ratified Mar. 8, 1870) repealing all acts passed at the session of that legislature held in 1868-69 making appropriation to railroad companies and requiring the return to the State treasurer of all bonds then in the hands of the president or other officials of the corporation. The newspapers of the State of that day boldly charged that the bonds were fraudulently and corruptly issued and were invalid, and the New York Stock Board excluded the new State bonds from the exchange. Millions of these bonds had been offered in New York for sale. In addition, on January 19, 1871, the Senate of the United States passed a resolution for the appointment of a select committee to investigate alleged outrages in the Southern States, and this committee, on March 10, 1871, reported to the Senate the evidence taken by it and its conclusions, and the same is Public Document Report No. 1, Forty-second Congress, first session, "Outrages in the Southern States, March, 1871." A minority report was filed by Senators Bayard and Blair, who, after giving the history of the times during which these bonds were issued, the circumstances and methods resorted to to procure their issue, said, at pages 19 and 20 of their report:

"These, then, were the methods taken to array the negroes in one compact body against the white people of the State in the election of 1868 under the reconstruction acts of Congress. The election was supervised by Gen. Canby, in command of that military division. Its result is well known. The enfranchised negroes, under the lead of Gov. Holden and his carpetbag allies, backed by the military power of the Government, accomplished an easy victory over the disfranchised white people. But to make it complete Gen. Canby gave orders to exclude a certain number of the conservatives elected to the legislature. Judge Reade, who administered the oath to the members elect, testifies that he was instructed by Gen. Canby to tell certain persons to whom particular disqualifications attached to stand aside, and he then proceeded to administer the oath of office to the remainder. (See testimony of Judge Reade, p. 412.) Thus was the reconstruction of North Carolina accomplished upon a loyal basis—a basis composed of ignorant negroes and unprincipled carpetbaggers, cemented and sustained by military power. The result might have been foreseen. The legislature, moved by a 'ring' of unprincipled adventurers, went to work to squander the money of the people. They issued twenty-five or thirty millions in the bonds of the State to certain railroad companies; the bonds were issued by Holden to these adventurers without exacting compliance with the law; the bonds were sold and the money went into carpetbags and flitted away from the State. Ten millions of this issue were subsequently declared unconstitutional by the courts of the State, and of the balance not one million of the entire sum was ever applied to the construction of railroads. The value of the bonds sank in the market to 22 cents on the dollar. These transactions appear from the testimony of nearly all the witnesses examined; men of all shades of political sentiment testify to this shameful plunder of the State, and all unite in denouncing the outrage and deploring the ruin and bankruptcy that has been brought upon the State. The majority of this committee allude to this matter as showing the latitude allowed in examination, and are seemingly unconscious of its significance. They do not appear to be aware of the fact that Congress, by establishing a government wholly irresponsible to the people of the State, composed of ignorant negroes without a dollar of property and controlled by designing men in search of pillage, made the plunder of the State inevitable. The same result has followed the same measures in every one of the reconstructed States. All have been plundered, and by the same means."

Again, at page 28, this report said:

"These statements are confirmed by every witness examined on this point; not a single witness contradicts it in any particular. Gov. Holden, in his last message to the legislature, page 4, says the debt of the State is \$30,000,000, and adds that the people will not and can not pay it. This, then, is the admitted, undeniable condition of the State. It is utterly, hopelessly bankrupt! Ruined, plundered, made bankrupt by the governor and legislature forced upon the State by an act of Congress! Will the people of the North permit this whole community to be thus pillaged and plundered by a government created by their Representatives in Congress and sustained in power by their Army—the Army of the United States? What would the people of any northern State do under like circumstances? What would any brave people do who were thus despoiled; despoiled of their political rights by strangers and the most degraded class of their own citizens, and then plundered of their individual property and made bankrupt as a community?"

The bonds described in the declaration of the Republic of Cuba belong to the class of bonds authorized and issued in the manner and under the circumstances so vividly portrayed in the above report made to the Senate of the United States and published as a public document more than 45 years ago, within less than two years after the bonds were issued, at a time when the bonds had ceased to have any market value, long before the maturity of the bonds, and many years before the Republic of Cuba achieved its independence from Spain and became an independent State. So aroused did the people of the State become at the pillage and plunder of their State, so convinced were they that these bonds were "conceived in fraud and born in iniquity," and were not and ought not to be paid by the State along with her valid obligations, that they, in the year 1880, amended section 6, Article I, of the constitution of the State to read as follows:

SECTION 6, ARTICLE I.

"The State shall never assume or pay or authorize the collection of any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; nor shall the general assembly assume or pay or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred or issued by authority of the convention of the year 1868, nor any debt or bond incurred or issued by the legislature of the year 1868, either at its special session or at its regular sessions of the years 1868 and 1869, and 1869 and 1870, except the bonds issued to fund the interest on the old debt of the State, unless the proposing to pay the same shall have first been submitted to the people and by them ratified by the vote of a majority of all the qualified voters of the State at a regular election held for that purpose."

Thus was notice given to the world by public acts and public documents of the fraudulent methods resorted to to procure the issue of these bonds; of the plunder and pillage of the State; of the ruin brought to its credit; of the State's attitude of determined resistance to the payment of these bonds or any of them. This notice thus publicly given was published long before the Republic of Cuba was created and long before it could have acquired these bonds. The inference is irresistible that the Republic of Cuba did not buy these bonds in the open market for the reason that they were valueless; it must have acquired these bonds from persons forbidden by the eleventh amendment to the Constitution to sue the State of North Carolina, and now, in her own name, as a foreign State, the Republic of Cuba moves to institute an action of debt in this court—an action without precedent in the judicial history of the country. If the right exists under the Federal Constitution, it has not been called into exercise since the adoption of the Constitution, now more than a century and a quarter ago. We earnestly insist that no such right is vested in the Republic of Cuba.

ARGUMENT.

I.

The State of North Carolina has not consented and does not consent that she be sued by the Republic of Cuba, and without such the State can not be sued.

The Republic of Cuba was not, nor was any foreign power, a party to the compact of the States in the Constitution of the United States. That great instrument was the compact solely and exclusively between

the States of the United States and their people. No foreign power assumed any of the burdens or obligations imposed by that great compact of the sovereign States; it imposed no duties upon any foreign power; it conferred no rights upon any foreign nation. No foreign power is bound in any wise by the compact of the Constitution; it was not created nor constructed nor adopted for the benefit of any foreign power, but solely "in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for a common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity." The several States to compose the United States under the Constitution alone ratified and accepted it.

In *United States v. Diekelman* (92 U. S., 520, 524), the court said: "One nation treats with the citizens of another only through their government. A sovereign can not be sued in his own courts without his consent. His own dignity, as well as the dignity of the nation he represents, prevents his appearance to answer a suit against him in the courts of another sovereignty, except in performance of his obligations, by treaty or otherwise, voluntarily assumed. Hence a citizen of one nation wronged by the conduct of another nation must seek redress through his own government. His sovereign must assume the responsibility of presenting his claim, or it need not be considered. If this responsibility is assumed the claim may be prosecuted as one nation proceeds against another, not by suit in the courts, as of right, but by diplomacy, or, if need be, by war. It rests with the sovereign against whom the demand is made to determine for himself what he will do in respect to it. He may pay, or reject it; he may submit to arbitration, open his own courts to suit, or consent to be tried in the courts of another nation. All depends upon himself." (*Briscoe v. Bank of Kentucky*, 11 Pet., 257, 321; *Cohens v. Virginia*, 6 Wheat., 264, 380; *Hamilton, Federalist*, No. 80.)

In *Third Elliott's Debates*, page 533, Mr. Madison said: "I do not conceive that any controversy can ever be decided in these courts between an American State and a foreign State, without the consent of the parties. If they consent provision is here made. The disputes ought to be tried by the National tribunal. This is consonant to the law of nations."

In *Third Elliott's Debates*, pages 555, 556, Mr. Marshall said: "I hope that no gentleman will think that a State will be called at the bar of the Federal Court. Is there no such cast at present? Are there not many cases in which the Legislature of Virginia is a party, and yet the State is not sued? It is not rational to suppose that the sovereign power should be dragged before a court."

At page 557 Mr. Marshall said: "If a foreign State brought a suit against the Commonwealth of Virginia, would she not be barred from the claim if the Federal judiciary thought it unjust? The previous consent of the parties is necessary; and as the Federal judiciary will decide each party will acquiesce. It will be the means of preventing disputes with foreign nations."

There seems no doubt that suits against States for the collection of debts were unheard of at the time of the adoption of the Constitution, and it would seem that the power to bring such actions would have been denied as promptly as the right of a citizen to sue the State was denied by the adoption of the eleventh amendment.

In the *Federalist*, No. 81, page 446, Mr. Hamilton said: "It has been suggested that an assignment of the public securities of one State to the citizens of another would enable them to prosecute that State in the Federal courts for the amount of those securities. A suggestion which the following considerations prove to be without foundation: It is inherent in the nature of sovereignty not to be amenable to the suit of an individual without its consent. This is the general sense, and the general practice of mankind; and the exemption, as one of the attributes of sovereignty, is now enjoyed by the government of every State in the Union. Unless, therefore, there is a surrender of this immunity in the plan of the convention it will remain with the States, and the danger intimated must be merely ideal. The circumstances which are necessary to produce an alienation of State sovereignty were discussed in considering the article on taxation, and need not be repeated here. A recurrence to the principles there established will satisfy us that there is no color to pretend that the State governments would, by the adoption of that plan, be divested of the privilege of paying their own debts in their own way, free from every constraint but that which flows from the obligations of good faith. The contracts between a nation and individuals are only binding in the conscience of the sovereign, and have no pretensions to a compulsive force. They confer no right of action independent of the sovereign will. To what purpose would it be to authorize suits against States for the debts they owe? How could recoveries be enforced? It is evident it could not be done without waging war against the contracting State; and to ascribe to the Federal courts, by mere implication and in destruction of a preexisting right of State government, a power which would involve such a consequence would be altogether forced and unwarrantable."

In *Beers v. State of Arkansas* (20 How., 527), Mr. Chief Justice Taney, speaking for this court, said:

"It is an established principle of jurisprudence in all civilized nations that the sovereign can not be sued in its own courts, or in any other, without its consent and permission; but it may, if it thinks proper, waive this privilege, and permit itself to be made defendant in a suit by individuals or by another State. And as this permission is altogether voluntary on the part of the sovereignty, it follows that it may prescribe the terms and conditions on which it consents to be sued and the manner in which the suit shall be conducted, and may withdraw its consent whenever it may suppose that justice to the public requires it." (*Clark v. Barnard*, 108 U. S., 436.)

Likewise, this court held in *Bank of Washington v. Arkansas* (20 How., 530, 532), Mr. Chief Justice Taney again speaking for the court:

"Those who deal in the bonds and obligations of a sovereign State are aware that they must rely altogether on the sense of justice and good faith of the State, and that the judiciary of the State can not interfere to enforce these contracts without the consent of the State; and the courts of the United States are expressly prohibited from exercising such jurisdiction."

Mr. Webster, in his opinion given to Baring Bros. & Co. October 16, 1839, volume 6, pages 537, 539, said:

"The security for the State loans is the plighted faith of the State as a political community. It rests on the same basis as other contracts with established governments, the same basis, for example, as loans made by the United States under the authority of Congress; that is to say, the good faith of the Government making the loan and its ability to fulfill its engagements."

In *Crouch v. Credit Fancier* (8 Court of Q. B., 374, 384, 1872-73), Mr. Justice Blackburn said:

"Foreign and colonial governments frequently create a public debt, the title to portions of which is made to depend on the possession of bonds expressed to be payable to the bearer or holders. There can hardly be said properly to be any right of action on such instruments at all, though the holder has a claim on the Government."

Hamilton, in his report in 1795 (*Annals of Cong.*, 1793-95, 3d Cong., p. 1635), said:

"Public debt can scarcely in legal phrase be defined either as property in possession or in action. It is evidently not the first until it is reduced to possession by payment. To be the second would suppose a legal power to compel payment by suit. Does such a power exist? The true definition is such a property subsisting in the faith of the Government. Its essence is promise. Its definite value depends upon the reliance that the promise will be definitely fulfilled."

In *Hans v. Louisiana* (134 U. S., 1), Mr. Justice Bradley, speaking for the court, said:

"The stability of a State without its consent was a thing unknown to the law. This has been so often laid down and acknowledged by courts and jurists that it is hardly necessary to be formally asserted. It was fully shown by an exhaustive examination of the old law by Mr. Justice Iredell in his opinion in *Chisholm v. Georgia*; and it has been conceded in every case since where the question has in any way been presented, even in the cases which have gone furthest in sustaining suits against the officers or agents of States. (*Osborn v. Bank of United States*, 9 Wheat., 738; *Davis v. Gray*, 16 Wall., 203; *Board of Liquidation v. McComb*, 92 U. S., 53; *United States v. Lee*, 106 U. S., 196; *Virginia Coupon cases*, 114 U. S., 269.) In all these cases the effort was to show, and the court held, that the suits were not against the State or the United States, but against individuals, conceding that if they had been against either the State or the United States they could not be maintained."

In this opinion the court further said:

"To avoid misapprehension it may be proper to add that, although the obligations of a State rest for their performance upon its honor and good faith, and can not be made the subjects of judicial cognizance unless the State consents to be sued or comes itself into court, yet where property or rights are enjoyed under a grant or contract made by a State they can not wantonly be invaded. Whilst the State can not be compelled by suit to perform its contracts, any attempt on its part to violate property or rights acquired under its contracts may be judicially resisted; and any law impairing the obligation of contracts under which such property or rights are held is void and powerless to affect their enjoyment."

We deem it not required in opposing this motion to discuss the question whether the Constitution is a compact between sovereign States or a compact by the sovereign people of sovereign States in the plenitude of their power, to form a more perfect union, and to establish the supreme law for their control and observance, for it is undeniable that no foreign power was a party to the compact, nor the citizen or subject of any foreign nation. We can not conceive that a foreign power can, as a matter of right, maintain any privilege or right under that compact. (*Chisholm v. Georgia*, 2 Dall., 419 (opinion of Chief Justice Jay, 471); *Rhode Island v. Mass.*, 12 Pet., 657 (opinion of Justice Baldwin, p. 720); *Worcester v. Georgia*, 6 Pet., 515 (opinion of Justice McLean, p. 569); *Martin v. Hunter*, 1 Wheat., 304 (opinion of Justice Story, 524, 525); 1 Story's Com. on the Constitution, ch. 3.)

We deduce from these authorities:

(1) That the State possesses the sovereign attribute of exemption from suit for debt except when her consent is given.

(2) That the ordinary obligations or promises to pay issued by a State were not justiciable in the contemplation of the framers of the Constitution.

(3) That no foreign power was a party to the compact of the Constitution, and that the Constitution confers no rights upon a foreign State enforceable against a State by judicial decree.

(4) That the State of North Carolina has not consented to be sued by the Republic of Cuba upon the causes of action set forth in her declaration.

II.

The constitution of North Carolina, by section 6, article 1, and section 9, article 4, denies and forbids the consent of the State to be given to be sued, particularly upon the cause of action stated in the declaration of the Republic of Cuba.

Section 9, article 4, of the constitution of North Carolina, adopted in April, 1868, is as follows:

"The supreme court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; they shall be reported to the next session of the general assembly for its action."

This section of the constitution became a part of every contract between the State and those who dealt with it.

With full knowledge and information of the methods used in procuring the issue of the bonds of the class specified in the declaration of the Republic of Cuba, and fully determined not to pay them, the people of North Carolina adopted section 6, article 1, of their constitution, which has been quoted in full above in this brief. The State of North Carolina has in the most emphatic way denied its consent for any suit or action to be brought against it on the bonds specified in the declaration of the Republic of Cuba. The people of the State have expressly and in terms forbidden the legislature to pay, assume to pay, or levy any tax to pay any of these bonds, except the measure to pay be duly approved by a majority of their qualified votes at an election held for that purpose.

III.

The Constitution of the United States, by section 10, clause 3, Article I, forbids the State of North Carolina, without the consent of Congress, to enter into any compact or agreement with the Republic of Cuba; and no compact, agreement, or contract has been entered into by the State of North Carolina with the Republic of Cuba.

This clause of the Constitution reads:

"No State shall, without the consent of Congress, * * * enter into any agreement or compact with another State, or with a foreign power."

In *Green v. Biddle* (1823, 8 Wheat., 1), this court said:

"Let it be observed, in the first place, that the Constitution makes no provision respecting the mode or form in which the consent of Congress is to be signified, very properly leaving that matter to the

wisdom of that body, to be decided upon according to the ordinary rules of law and of right reason. The only question in cases which involve that point is, has Congress, by some positive act in relation to such agreement, signified the consent of that body to its validity?"

In that case the court held that the act of the State of Virginia agreeing to the erection of Kentucky into a State and prescribing the terms and conditions, and the acceptance by the people of Kentucky, and their approval in their constitution of these terms and conditions, created a compact between those States valid and binding upon the consent of Congress.

In *Poole v. Fleece* (11 Pet., 185), this court again held that the agreement between two States—Tennessee and Kentucky—as to State boundary was a compact that required the consent of the Congress for its validity. In neither of these cases did the court define the meaning of the words "compact" and "agreement," as used in this clause, but in *Holmes v. Jennison* (14 Pet., 540), Mr. Chief Justice Taney, in his opinion, concurred in by Messrs. Justices Story, McLean, and Wayne, said:

"But the question does not rest upon the prohibition to enter into a treaty. In the very next clause of the Constitution the States are forbidden to enter into any 'agreement' or 'compact' with a foreign nation, and as these words could not have been idly or superfluously used by the framers of the Constitution, they can not be construed to mean the same thing with the word treaty. They evidently mean something more and were designed to make the prohibition more comprehensive. A few extracts from an eminent writer on the laws of nations, showing the manner in which these different words have been used and the different meanings sometimes attached to them, will, perhaps, contribute to explain the reason for using them all in the Constitution, and will prove that the most comprehensive terms were employed in prohibiting to the States all intercourse with foreign nations (quoting from Vattel). After reading these extracts we can be at no loss to comprehend the intention of the framers of the Constitution in using all these words—'treaty,' 'compact,' 'agreement.' The word 'agreement' does not necessarily import any direct and express stipulation, nor is it necessary that it should be in writing. If there is a verbal understanding to which both parties have assented and upon which both are acting it is an 'agreement,' and the use of all these terms—'treaty,' 'agreement,' and 'compact'—show that it was the intention of the framers of the Constitution to use the broadest and most comprehensive terms, and that they anxiously desired to cut off all connection or communication between a State and a foreign power; and we shall fail to execute that evident intention unless we give to the word 'agreement' its most extended significance and so apply it as to prohibit every agreement, written or verbal, formal or informal, positive or implied, by the mutual understanding of the parties."

This case presented to the court the question whether Holmes, an escaped murderer from the Province of Quebec, in lower Canada, could be lawfully arrested under a warrant of the governor of Vermont and delivered by its officer under the command of the warrant to an agent of the Canadian authorities. The Chief Justice gave his reasons for his interpretation of these words in the following language:

"The framers of the Constitution manifestly believed that any intercourse between a State and a foreign nation was dangerous to the Union; that it would open a door of which foreign powers would avail themselves to obtain influence in separate States. Provisions were therefore introduced to cut off all negotiations and intercourse between the State authorities and foreign nations. If they could make no agreement, either in writing or by parol, formal or informal, there would be no occasion for negotiations or intercourse between the State authorities and a foreign Government. Hence prohibitions were introduced which were supposed to be sufficient to cut off all communications between them."

If the treasures of foreign powers may be looked to by the States as a market for their bonds, with the power lodged in this court to enforce payment, is not the danger by such intercourse and such agreements obvious "to obtain influence" in separate States? And may not foreign powers, with insidious designs upon the United States, discover in such an opportunity "to obtain influence" in some State? The dangers which the great framers of the Constitution apprehended, and which they anxiously endeavored to avoid might, by a different construction of this clause, become active, and present an opportunity of harm to our common country. If a foreign nation can recover a judgment against a State in an ordinary action of debt ("an anomalous and unheard-of proceeding"), and enforce the collection of the debt by the process of this court, why may it not result in the acquisition of territory in the State, and at some convenient place?

One great fear of the framers of the Constitution, as expressed by its early expounders—Hamilton, Madison, Jay, and others—was that the conduct of the States toward foreign powers and their subjects might involve the Nation in war. To guard against such a calamity, it was clearly the purpose of the Constitution to cut off all communication or intercourse between the States as States and foreign powers. (Madison, 3 Elliott's Debates, 533; Hamilton, *Federalist*, No. 80.)

In opposition to this construction of this clause and this interpretation of these words, this court said in *Virginia v. Tennessee* (148 U. S., 503):

"Is the agreement made without the consent of Congress between Virginia and Tennessee to appoint commissioners to run and mark the boundary line between them within the prohibition of this clause? The terms, 'agreement' or 'compact,' taken by themselves, are sufficiently comprehensive to embrace all forms of stipulation, written or verbal, and relating to all kinds of subjects: to those to which the United States can have no possible objection or have any interest in interfering with, as well as to those which may tend to increase and build up the political influence of the contracting States, so as to encroach upon or impair the supremacy of the United States or interfere with their rightful management of particular subjects placed under their entire control. * * * If, then, the terms 'compact' or 'agreement' in the Constitution do not apply to every possible compact or agreement between one State and another, for the validity of which the consent of Congress must be obtained, to what compact or agreements does the Constitution apply? We can only reply by looking at the object of the constitutional provision and construing the terms 'agreement' and 'compact' in reference to it."

"It is a familiar rule in the construction of terms to apply to them the meaning naturally attaching to them from their context. Noscitur a sociis is a rule of construction applicable to all written instruments where any particular word is obscure or of doubtful meaning. Taken by itself, its obscurity or doubt may be removed by reference to associated words, and the meaning of a term may be enlarged or restrained

by reference to the object of the whole clause in which it is used. Looking at the clause in which the terms 'compact' or 'agreement' appear, it is evident that the prohibition is directed to the formation of any combination tending to the increase of political power in the States, which may encroach upon or interfere with the just supremacy of the United States. Story, in his Commentaries (sec. 1403), referring to a previous part of the same section of the Constitution in which the clause in question appears, observes that its language 'may be more plausibly interpreted from the terms used—"treaty," "alliance," or "confederation"—and upon the ground that the sense of each is best known by its association (noscitur a sociis) to apply to treaties of a political character, such as treaties of alliance for purposes of peace and war, and treaties of confederation, in which the parties are leagued for mutual government, political cooperation, and the exercise of political sovereignty, or conferring internal political jurisdiction or external political dependence or general commercial privileges,' and that 'the latter clause, "compacts and agreements," might then very properly apply to such as regarded what might be deemed more private rights of sovereignty, such as questions of boundary, interest in land situate in the territory of each other, and other internal regulations for the mutual comfort and convenience of States bordering on each other,' and he adds: 'In such cases the consent of Congress may be properly required in order to check any infringement of the rights of the National Government, and at the same time a total prohibition to enter into any compact or agreement might be attended with permanent inconvenience or public mischief.' Compacts or agreements—and we do not perceive any difference in the meaning, except that the word 'compact' is generally used with reference to more formal and serious engagements than is usually implied in the term 'agreement'—cover all stipulations affecting the conduct or claims of the parties."

This language was quoted with approval in *Wharton v. Wise* (153 U. S., 155); *Stearns v. Minnesota* (179 U. S., 223).

In the case of *Virginia v. Tennessee*, supra, nor in the later opinion cited above, is the case of *Holmes v. Jennison*, supra, cited. These decisions restrict the meaning of the word "agreement" as used in the Constitution by the doctrine of construction known as the "noscitur a sociis," while in *Holmes v. Jennison*, delivered in 1840, in the opinion of Mr. Chief Justice Taney, the most comprehensive meaning should be given. Mr. Justice Story concurred in this opinion, and it was delivered after he had written (1833) his Commentaries on the Constitution.

In *Virginia v. West Virginia* (206 U. S., 290, and 220 U. S., 1) we understand this court to have held (1) that the agreement made by West Virginia (formed out of the State of Virginia) to assume and pay its just proportion of the public debt of Virginia existing at the time of the creation of West Virginia as a State, and made in accordance with the terms of Virginia's consent to the creation of West Virginia, embodied in her constitution and approved by the Congress of the United States, was a compact or agreement enforceable by suit in the Supreme Court; and (2) that the consent of West Virginia to be sued in this court by Virginia was given when the former was admitted as a State, and created a justiciable cause of action. In 220 U. S., at page 36, this court thus referred to the controversy:

"As this is no ordinary commercial suit, but, as we have said, a quasi-international difference referred to this court in reliance upon the honor and constitutional obligations of the States concerned, rather than upon ordinary remedies, we think it best at this step to go no further, but to await the effect of a conference between the parties, which, whatever the outcome, must take place."

In the proposed action by the Republic of Cuba, as is stated in her declaration, we have nothing but an "ordinary commercial suit," based upon no compact or agreement between her and North Carolina assented to by the Congress of the United States, but an action which the public documents and records hereinabove referred to show is an attempt by the Republic of Cuba to enforce the collection of bonds of the State of North Carolina discredited in the markets of the world by the corrupt and fraudulent methods used in procuring their issue, and expressly repudiated by the State of North Carolina many years before the Republic of Cuba became an independent foreign power.

But it is contended in the brief filed for the Republic of Cuba in this motion that this court in its decision in the case of *South Dakota v. North Carolina* (192 U. S., 286) held that a bond issued by a State and held by another State presented a controversy within the meaning of section 2, Article III, of the Constitution, and justiciable in an action in this court, and thereby disassociated this section of the Constitution from clause 3, section 10, Article I, of the Constitution. The view we now present was not considered in that case. The bonds, if ever legal, set forth in the declaration of the Republic of Cuba were issued by the State of North Carolina as a sovereign State; it was an act done under her great seal of State in her sovereign capacity; it was directed by her legislature; her sovereign power to levy and collect taxes was invoked in the acts authorizing these bonds to be issued; and the holder of these bonds holds them under an agreement with a sovereign State, invoking an act of sovereignty on her part. The Republic of Cuba, as a sovereign foreign power and in her capacity as a sovereign, invokes the jurisdiction of this court to aid her to enforce an agreement made with her by the State of North Carolina, acting as a sovereign and in a matter within her sovereign capacity, in which the property of the State of North Carolina is sought to be sequestered and taken for the benefit of the Republic of Cuba (a foreign power) or her sovereign power to levy taxes for the benefit of the Republic of Cuba enforced by this court, and the property of the sovereign people of North Carolina taken for a foreign power, and this without the consent, express or implied, of Congress. No such power has been invoked since the Constitution was adopted in 1789. We earnestly insist that this is an "anomalous and unheard of suit," using the words of this court in *Hans v. Louisiana*, supra, "which it was not the purpose of the framers of the Constitution to be raised up by the adoption of that great instrument."

We respectfully submit that the judicial power should extend only to such controversies between a State and a foreign power as grow out of compacts and agreements entered into between such State and such foreign power, with the assent of Congress. We can not conceive that Congress would consent that a State enter into a compact or agreement that would trench upon the political power of the Federal Government, or that would impair the political relations of the State to the United States. If the words "compact" or "agreement" are restricted to such agreements as trench upon the political rights or influence of the United States in their relation to the States, then we are at a loss to conceive the occasion when the Congress of the United States would ever give its consent, nor should it. Such an act would defeat one of the great purposes of the Constitution—to form a more perfect Union. And in the words of Chief Justice Taney,

"We shall fail to execute that evident intent unless we give to the word 'agreement' its most extended signification, and so apply it as to prohibit every agreement, written or verbal, formal or informal, positive or implied, by the mutual understanding of the parties."

IV.

The declaration of the Republic of Cuba does not state a controversy between her and the State of North Carolina justiciable under the Constitution of the United States and cognizable under the jurisdiction of this court.

What has been already said in this brief presents in part the views of the State of North Carolina on this objection to the allowance of the motion for leave to sue. The declaration is nothing more than an ordinary action of debt. Its purpose is to secure an ordinary judgment in debt; it seeks to enforce no lien; it seeks to enforce no compact or agreement entered into with the assent of Congress; it seeks a judgment which can be enforced only by a compulsive force applied to the legislative department of the State to levy a tax to pay the judgment.

This court has never in its history assumed jurisdiction of such an action. One of the reasons assigned why an action can not be maintained against a State to compel the payment of its debts, whoever may be the plaintiff, is that it might necessitate an interference with if not the complete control and direction of, the legislative function of assessing, levying, collecting, and distributing taxes, which this court up to the present has regarded beyond its competency. In this case there is no means of rendering the judgment effective unless this court is prepared, through its receiver, to take charge of and administer the affairs of a delinquent State.

In *Cherokee Nation v. State of Georgia* (5 Pet., 1), Mr. Chief Justice Marshall said:

"The mere question of right might, perhaps, be decided by this court in a proper case with proper parties. But the court is asked to do more than decide on the title. The bill requires us to control the Legislature of Georgia and to restrain the exertion of its physical force. The propriety of such an interposition by the court may well be questioned. It seems too much of the exercise of political power to be within the proper province of the judicial department."

Prof. Dicey, in his work on the Conflict of Laws, page 38, says:

"General principle No. 3: The sovereign of a country, acting through the courts thereof, has jurisdiction over (i. e., has a right to adjudicate upon) any matter with regard to which he can give an effective judgment, and has no jurisdiction over (i. e., has no right to adjudicate upon) any matter with regard to which he can not give an effective judgment."

In *Gordon v. United States* (117 U. S., 697), Mr. Chief Justice Taney said:

"The award of execution is a part and an essential part of every judgment passed by a court exercising judicial power. It is no judgment, in the legal sense of the term, without it. Without such an award the judgment would be inoperative and nugatory, leaving the aggrieved party without a remedy. It would be merely an opinion which would remain a dead letter, and without any operation upon the rights of the parties, unless Congress should at some future time sanction it and pass a law authorizing the court to carry its opinion into effect. Indeed, no principle of constitutional law has been more firmly established or constantly adhered to than the one above stated; that is, that this court has no jurisdiction in any case where it can not render judgment in the legal sense of the term, and when it depends upon the legislature to carry its opinion into effect or not, at the pleasure of Congress." (*Interstate Commerce Commission v. Brimson*, 154 U. S., 447, 483; *Porto Rico v. Rosaly*, 227 U. S., 270; *Pam-To-Tee v. United States*, 187 U. S., 371; see also Judge Miller's work on the Constitution, p. 314; Mr. Justice Iredell's opinion in *Chisholm v. Georgia*, 2 Dall., at pp. 445, 446.)

In *United States v. Guthrie* (17 How., 284, 303), Mr. Goodrich was appointed chief justice of the Territory of Minnesota, and before the expiration of his term he was removed and Mr. Fuller was appointed in his stead and received the salary. Mr. Goodrich being refused, upon demand, the balance of his salary, brought mandamus against the Secretary of the Treasury to compel its payment. Upon writ of error this court said:

"The only legitimate inquiry for our determination upon the case before us is this, Whether, under the organization of the Federal Government or by any known principle of law there can be asserted a power in the Circuit Court of the United States for the District of Columbia, or in this court, to command the withdrawal of a sum or sums of money from the Treasury of the United States, to be applied in satisfaction of disputed or contravened claims against the United States? This is the question, the very question presented for our determination; and its simple statement would seem to carry with it the most startling considerations; nay, its unavoidable negation, unless this should be prevented by some positive and controlling command; for it would occur, a priori, to every mind that a treasury not fenced around or shielded by fixed and established modes and rules of administration, but which could be subjected to any number or description of demands, asserted and sustained through the undefined and undefinable discretion of the courts, would constitute a feeble and inadequate provision for the great and inevitable necessities of the Nation. The Government, under such a régime; or, rather, under such an absence of all rule, would, if practicable at all, be administered not by the great departments ordained by the Constitution and laws, and guided by the modes therein prescribed, but by the uncertain and perhaps contradictory action of the courts in the enforcement of their views of private interests."

These observations apply with equal force to the treasuries of the States, which are sovereign within the province of their reserved powers, including the management of their fiscal affairs. To the fact that the legislative department (the department which controls the purse and appropriates money) is, and has been for centuries, separate and independent, and not subject to compulsive means, can be ascribed many of the most cherished rights of the English-speaking people. This department of government is, under the constitution of North Carolina, singularly free and independent of the executive and judicial, in that the executive is denied the veto power.

The constitution of North Carolina, Article XIV, section 3, provides: "No money shall be drawn from the treasury but in consequence of appropriations made by law."

Again, we submit, this section of the constitution became a part of the contract between the State and those who dealt with it.

The Supreme Court of North Carolina held in *Garner v. Worth*, 122 North Carolina, 250:

"The courts can not direct the State treasury to pay a claim against the State, however just and unquestioned, when there is no legislative

appropriation to pay the same; and when there is such an appropriation the coercive power is applied not to compel the payment of the State liability but to compel a public servant to discharge his duty by obedience to a legislative enactment." (See also *Railroad v. Jenkins, Treasurer*, 68 N. C. 499; *Shaffer v. Jenkins, Treasurer*, 72 N. C. 275.)

In many of the cases in this court in which attempts have been made to collect debts from States it has been clearly intimated that, over and above the objection that States are exempt from suit by the eleventh amendment, courts had no process by which they could collect debts from States.

In *Marye v. Parsons*, 114 United States, 325, 328, Mr. Justice Matthews, speaking for the court, said:

"So far as the contract with the complainant was, that the State should pay to him his coupons at maturity, there is no doubt a breach, but he asks no relief as to that, for there is no remedy by suit to compel the State to pay its debt."

In *re Ayers* (123 U. S. 443, 491), Mr. Justice Matthews again said: "The remedy sought, in order to be complete, would require the court to assume all the executive authority of the State, so far as it related to the enforcement of this law, and to supervise the conduct of all persons charged with any official duty in respect to the levy, collection, and disbursement of the tax in question until the bonds, principal and interest, were paid in full; and that, too, in a proceeding in which the State as a State was not and could not be made a party. It needs no argument to show that the political power can not be thus divested of its jurisdiction and the judiciary set in its place."

In *Rees v. City of Watertown* (19 Wall., 107, 116, 117), the court said:

"We are of opinion that this court has not the power to direct a tax to be levied for the payment of these judgments. The power to impose burdens and raise money is the highest attribute of sovereignty, and is exercised, first, to raise money for public purposes only; and, second, by the power of legislative authority only. It is a power that has not been extended to the judiciary; especially is it beyond the power of the Federal judiciary to assume the place of a State in the exercise of this authority, at once so delicate and so important."

It is suggested that it is the duty of the Court to assume jurisdiction, hear the case, and adjudge the indebtedness, even if it can not enforce its judgment, but must leave it optional to the State of North Carolina whether she will satisfy the judgment. This suggestion does not, we respectfully submit, accord with the authorities we have cited, nor with the course pursued by this court in *Kentucky v. Dennison* (24 How., 66)—to decline jurisdiction unless it has the power to execute its judgment.

"But no court sits to determine questions of law in this." (*Marye v. Parsons*, 114 U. S. 330; *Ex rel Broderick v. Morton*, 156 N. Y. 136.)

But it is insisted that in the case of *South Dakota v. North Carolina* (192 U. S. 286) this court held that an action by one State against another State on its bonds was an action to enforce a property right; was a "controversy" within the meaning of the Constitution of the United States, and within the jurisdiction of this court. In that case, Mr. Justice Brewer, speaking for the majority of the court, said:

"Without noticing in detail the other cases referred to by Mr. Justice Shiras in *Missouri v. Illinois* (180 U. S. 208) it is enough to say that the clear import of the decisions of this court from the beginning to the present time is in favor of its jurisdiction over an action brought by one State against another to enforce a property right. *Chisholm* against Georgia was an action of assumpsit; *United States* against North Carolina was an action of debt; *United States* against Michigan a suit for an accounting; and that which was sought in each was a money judgment against the defendant State."

To this conclusion Mr. Justice White dissented, and his dissent was concurred in by Mr. Chief Justice Fuller and Mr. Justice Day and Mr. Justice McKenna. But in that case no judgment was given against the defendant State, but the court directed the sale of certain shares of stock in a railroad company pledged to secure the bonds sued upon and reserved the question as to whether a judgment for the deficiency could be entered; and upon this question the court said:

"There is in this case a mortgage of property, and the sale of that property under a foreclosure may satisfy the plaintiff's claim. If that should be the result there would be no necessity for a personal judgment against the State. Equity is satisfied by a decree for a foreclosure and sale of the mortgaged property, leaving the question of a judgment over for any deficiency to be determined when, if ever, it arises. And surely if, as we have often held, this court has jurisdiction of an action by one State against another to recover a tract of land, there would seem to be no doubt of the jurisdiction of one to enforce the delivery of personal property."

The court then directed a decree to be entered for the sale of the pledged stock to be applied to the debt as ascertained.

In speaking of the authority of the decision of the court in *Chisholm v. Georgia*, this court had said in *Hans v. Louisiana* (134 U. S. 1), Mr. Justice Bradley delivering the opinion:

"Adhering to the mere letter, it might be so; and so, in fact, the Supreme Court held in *Chisholm v. Georgia*; but looking at the subject as Hamilton did, and as Mr. Justice Fredell did, in the light of history and experience and the established order of things, the views of the latter were clearly right, as the people of the United States in their sovereign capacity subsequently decided."

In *United States v. North Carolina* the State consented to be sued in an action of debt, and submitted the matter in controversy to the decision of this court, though by the strict letter of the Constitution controversies between the United States and the States were not within the jurisdiction of this court.

In *United States v. Michigan* the controversy arose out of an agreement or compact made by the United States through Congress with the State of Michigan, though for a pecuniary demand.

In controversies between States, justiciable in their nature, the consent of the States to be sued by a State is given by and at the time of its admission into the Union. (*Virginia v. West Virginia*, 201 U. S. 290; *Cohens v. Virginia*, 6 Wheat., 264.)

The States when and by their admission to the Union become parties to the compact, each has the reciprocal right of suit in a controversy of a justiciable nature. But all controversies between States are not justiciable, and though they come within the letter of the Constitution as decided by the court in *New Hampshire v. Louisiana* (108 U. S. 76), *Wisconsin v. Pelican Insurance Co.* (127 U. S. 265), *Kentucky v. Dennison* (24 How., 66), *Hans v. Louisiana* (134 U. S. 1).

But the Constitution, as before stated, is not a compact entered into between the States and foreign powers, and the right to sue is not reciprocal; and we submit that consent to be sued must be given, and the controversies which are of a justiciable nature between a State and

a foreign power are those only that arise out of compacts or agreements entered into with the consent of Congress; and further, that this court has no power to enforce its judgment, and for this reason without jurisdiction.

V.

The attempt of the Republic of Cuba to sue upon the causes of action stated in her declaration is an attempt to evade the prohibitions of the eleventh amendment to the Constitution of the United States.

The bonds described in the declaration were issued as of October 1, 1868, many years before the Republic of Cuba became a foreign power. They were dishonored and repudiated as having been corruptly and fraudulently issued, likewise many years before Cuba was born as a Republic. Since 1871 they have had no market value, and their history and record have been since then found in a public document of the Congress of the United States. The inference is plain and irresistible that the Republic of Cuba has recently acquired these bonds from some person or persons denied by the eleventh amendment the right to sue the State of North Carolina. If not, why this long delay in invoking a right to sue which she insists is so clearly hers as a foreign nation? These bonds matured as to their principal in 1898, and some of the coupons were due in 1869. If these bonds and coupons were acquired by the Republic of Cuba before maturity—a view ordinarily regarded as more favorable to her claim—then the long delay inferable from this fact should now bar her from asserting so stale a claim under the well-recognized principle of equity jurisprudence, "*Vigilantibus et non dormientibus equitas subvenit*." No stronger or clearer evidence of the recognition of the immunity of the States from suits as a right of their sovereignty could have been given than the promptness with which the eleventh amendment was adopted after the decision of the court in *Chisholm v. Georgia*. If the State can be sued by a foreign power in an ordinary action of debt, and a judgment rendered against her by this court, we earnestly submit the following language of the court in *Hans v. Louisiana* is strikingly apposite:

"If this is the necessary consequence of the language of the Constitution and the law, the result is no less startling and unexpected than was the original decision of this court that, under the language of the Constitution and of the Judiciary act of 1789, a State was liable to be sued by a citizen of another State or of a foreign country."

Every attempt to evade the eleventh amendment has been steadily repelled by this court, as appears from these and many other cases: *Cunningham v. Macon & B. R. Co.* (109 U. S. 446); *Louisiana v. Jumel* (107 U. S. 711); *Hagood v. Southern* (117 U. S. 52); *Ex Parte Ayers* (123 U. S. 443); *North Carolina v. Temple* (134 U. S. 22); *New Hampshire v. Louisiana* (108 U. S. 76); *Murray v. Wilson Distilling Co.* (213 U. S. 151).

VI.

The declaration proposed to be filed by the Republic of Cuba shows upon its face that its causes of action, to wit, the bonds of the State of North Carolina, are stale claims against said State of North Carolina which this court will not, under established principles of equity jurisprudence, permit to be made the subject of suit.

The contention of the Republic of Cuba is that "States and cities, when they borrow money and contract to repay it with interest, are not acting as sovereigns. They come down to the level of ordinary individuals" (*Murray v. Charleston*, 96 U. S. 432, 445). Then, in acquiring such securities the Republic of Cuba has come down to the level of ordinary individuals, and the same principles of law that govern ordinary individuals should apply to her. As said by the court in *French Republic v. Saratoga Vichy Co.* (191 U. S. 427, 438):

"In such cases, either where the Government is suing for the use and benefit of an individual, or for the prosecution of a private and proprietary instead of a public or governmental right, it is clear that it is not entitled to the exemption of nullum tempus, and that the ordinary rule of laches applies in full force. *United States v. Beebe* (127 U. S. 338); *New Hampshire v. Louisiana* (108 U. S. 76); *Maryland v. Baldwin* (112 U. S. 490); *United States v. Des Moines, etc., Co.* (142 U. S. 510, 538); *Custner v. United States* (149 U. S. 662); *United States v. American Bell Telephone Co.* (167 U. S. 224, 264); *Miller v. The State* (38 Ala., 600); *Moody v. Fleming* (4 Ga., 115)."

The doctrine of laches depends upon the conduct of the plaintiff or the party against whom it is pleaded. The conduct of the defendant, as appears from the public laws and documents, of which the court takes judicial notice (*Fourth National Bank v. Franklyn*, 120 U. S. at p. 751; *Mills v. Green*, 159 U. S. at p. 657), has been one of notice to the world that she did not recognize the validity of these bonds and would not pay them. This has been done in the most solemn way, both by legislative acts beginning as early as 1870 and by amendment to her constitution in 1880. Of these public acts the Republic of Cuba is charged with notice. As hereinbefore stated, the principal of these bonds became due October 1, 1898, 18 years ago; the coupons matured each six months from October 1, 1868, and many of them are more than 40 years past due. What has prevented the Republic of Cuba since 1900 from appealing to the jurisdiction of this court to protect her property right in these bonds? Why so long delay?

"If it (the Government) comes down from its position of sovereignty and enters the domain of commerce, it submits itself to the same laws which govern individuals there." (*Cooke v. U. S.*, 389, 398.)

The famous dictum of Lord Camden in *Smith v. Clay* (3 Brown Ch., 639, note, Amb., 645), that "nothing can call forth this court into activity but conscience, good faith, and reasonable diligence," has met with very general approval in many cases. No excuse is suggested in the declaration for the laches. The recognized doctrine of courts of equity to withhold relief from those who have delayed the assertion of their claims for an unreasonable length of time may be applied in the discretion of the court, even though the laches be not pleaded, or the bill demurred to. (*Sullivan v. Portland, etc., R. Co.*, 94 U. S. 806, 811; *Richards v. Mackall*, 124 U. S. 183, 187, 188.)

The generally recognized and accepted doctrine that the State is a sovereign, that it possesses the immunity from suit except with its consent, possessed by all sovereigns, and the declaration in its constitution, hereinbefore quoted, that its supreme court may hear claims and make its recommendations to the legislature, but can enter no judgment—these facts constitute a statute of limitations as strong and as sweeping as can be enacted. We further submit that, considering the views expressed by Madison, Hamilton, Marshall, Webster, and also found in many opinions of this court, that those who deal in the obligations of the State must rely upon the good faith only of the State; it was the duty of the Republic of Cuba, as holder of the bonds of North Carolina, to move promptly by action in this court to enforce its alleged rights. The delay was not superinduced by any act of the State of

North Carolina. If the Republic of Cuba relies upon the decision of this court in the South Dakota case as establishing her right to sue, and as making clear such right, then, as that decision was filed February 1, 1904, the Republic of Cuba offers no explanation of its delay for more than 12 years to act. Every bond described in the declaration and every coupon attached had then been past due and dishonored for more than five years. It is therefore insisted that the Republic of Cuba ought not to be permitted to institute an action against the State of North Carolina for the causes set forth in her declaration.

VII.

The court will not entertain the suit of the Republic of Cuba upon the causes of action stated in her declaration because this court would be without power to enforce its judgment against the State of North Carolina.

The authorities supporting, as we think, this position have already been cited, and our argument therefrom has been made in other parts of this brief, and we will not repeat them here.

The State of North Carolina, pursuant to the notice of the motion of the Republic of Cuba for leave to sue her, given to the governor of the State of North Carolina, most respectfully but most earnestly insists that the motion should be denied by this court.

T. W. BICKETT,
Attorney General of the State of North Carolina.
JAS. S. MANNING,
CAMERON MORRISON,
WILLIAM W. KITCHIN,
Of Counsel.

Mr. OVERMAN. I now ask that the resolution submitted by me be indefinitely postponed, as it has accomplished the object intended.

Mr. SMITH of Georgia. Mr. President, before this resolution is finally disposed of, I desire to say just a word with reference to it. Constitutional construction grows up in a measure out of impressions as to what the Constitution means. I am unwilling to dispose of this resolution without expressing my dissent from any suggestion that under the Constitution any foreign Government can sue a State in the Supreme Court of the United States without the consent of the State or that the Supreme Court should entertain jurisdiction without the consent of the State. Upon that subject I read from Willoughby on the Constitution, page 1060:

Whether or not, if a suit were brought by a foreign State, it would be entertained by the Supreme Court is very doubtful. A foreign State could not, of course, be compelled to appear as a party defendant in such a suit, and reason would, therefore, seem to suggest that it should not be permitted to appear as a party plaintiff unless, of course, the defendant State should give its consent. Madison took this view: "I do not conceive," he said, "that any controversy can ever be decided in these courts between an American State and a foreign State without the consent of the parties. If they consent, provision is here made." Story, in his Commentaries, takes the same view. On the other hand, we have in the opinion of the Supreme Court rendered in the case of *Hans v. Louisiana* a dictum approving the dissenting opinion of Justice Iredell in *Chisholm v. Georgia*, according to which it was declared not to have been the intention of the framers of the Constitution to create any new remedies unknown to the law. From this it would follow that the Supreme Court could not take jurisdiction of a case between a foreign State and a State of the Union, even with the consent of both parties.

Thus it will be seen that Madison, Story, and Willoughby each declared that the consent of the State is required before the Supreme Court may entertain a suit by a foreign nation against a State.

I do not desire, Mr. President, to enter into any discussion of the principle here announced. I was only unwilling that we should pass from this question in silence as to the right of a foreign Government to bring a suit in the Supreme Court of the United States upon a claim, when the foreign Government really owned the claim against a State, without the consent of a State.

I desire, Mr. President, to join with the Senator from North Carolina [Mr. OVERMAN] in expressing my appreciation of the course just pursued by the Cuban Government.

My own State issued certain bonds that have been repudiated somewhat in the same situation as those repudiated by the State of North Carolina. They were issued in those unfortunate times just following the Civil War, when we had a nominal government, but not a real government. They were duplicate bonds, the first issue furnished to parties who were to buy them; not having been properly prepared and the second having been issued to take up the first, the parties retaining both. The State was able to follow the holders who were served with notice of the fact that both issues were not to be used, and the State only received money for one issue.

Mr. SHAFROTH. Mr. President—

Mr. OVERMAN. Mr. President, I have asked that the resolution be indefinitely postponed.

The PRESIDENT pro tempore. The Chair understands that the matter before the Senate at the present time is the motion of the Senator from North Carolina that the resolution introduced by him be indefinitely postponed.

Mr. SHAFROTH. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Colorado rise to the question raised by the Senator from North Carolina?

Mr. SHAFROTH. I understand the resolution of the Senator from North Carolina has been withdrawn.

Mr. BRANDEGEE. No.

Mr. OVERMAN. I have asked that it be indefinitely postponed.

The PRESIDENT pro tempore. The matter before the Senate is the motion of the Senator from North Carolina to indefinitely postpone the resolution submitted by him.

Mr. SHAFROTH. Until that is disposed of, I do not care to take the floor.

Mr. BRANDEGEE. Mr. President, I have no objection to the course suggested by the Senator from North Carolina, but I merely want to say, in connection with what the Senator from Georgia [Mr. SMITH] has said, that, while I think, of course, it well enough to have put into the RECORD what he has said and the authority from which he quoted, I do not suppose it would make any difference what the Senate might think about the constitutional question raised by him. If it is true that no foreign Government can sue a State of this country without the consent of the State, of course the Supreme Court would take jurisdiction of that, and their opinion would settle it. I do not think it would be material what the opinion of the Senate was on the question, but, nevertheless, I think, as I have said, that it is well he put into the RECORD the matter that he did.

Mr. SMITH of Georgia. Mr. President, of course, I agree with the Senator from Connecticut that the Senate is not now called upon to construe the Constitution on this subject. I premised my remarks with the statement that I did not wish to see this question pass from the Senate as if we were of the opinion that the jurisdiction did exist; and while we would not as a body construe it, I desired, so far as I was concerned, to place in the RECORD authorities of value against the right of action except where the State consented.

Mr. BRANDEGEE. I understand, and I think the Senator did a very proper thing when he did it.

The PRESIDENT pro tempore. The morning business is closed.

WATER-POWER DEVELOPMENT.

Mr. WALSH. I move that the Senate proceed to the consideration of House bill 408, standing third on the calendar. It is the bill to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. TOWNSEND. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Newlands	Stone
Bankhead	Hollis	Norris	Thomas
Beckham	Hughes	Page	Thompson
Brady	Jones	Phelan	Tillman
Bryan	Kenyon	Pittman	Townsend
Chilton	Kern	Polindexter	Vardaman
Culberson	Kirby	Ransdell	Wadsworth
Cummins	Lane	Saulsbury	Walsh
Curtis	Lee, Md.	Shafroth	Watson
Dillingham	Lewis	Sheppard	Weeks
Fletcher	Lippitt	Shields	Works
Gallinger	McCumber	Smith, Ariz.	
Harding	Martine, N. J.	Smoot	
Hardwick	Nelson	Sterling	

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. There is a quorum present. The question is on the motion of the Senator from Montana [Mr. WALSH] that the Senate proceed to the consideration of House bill 408, the third bill on the calendar.

Mr. LANE. Mr. President, I should like to ask whether this is a motion to proceed to the consideration of the water-power bill?

The PRESIDENT pro tempore. That is the object of the motion.

Mr. LANE. I want to say to the author of the motion that the Senator from Michigan [Mr. TOWNSEND] has been trying here for months and weeks to have a hearing on his bill, and I feel that he is entitled to it. It is simply a matter of clear justice. For that reason I shall have to vote against the motion.

Mr. WALSH. The Senator from Montana stands in exactly the same situation.

Mr. TOWNSEND. Mr. President, it is perhaps well for the Senate to understand—

Mr. BRYAN. Mr. President, a point of order.

Mr. WALSH. A parliamentary inquiry, Mr. President. Is this motion debatable?

The PRESIDENT pro tempore. Not at this time.

Mr. TOWNSEND. Do I understand that the motion is not debatable after the morning hour?

The PRESIDENT pro tempore. A motion to proceed to the consideration of a bill is not debatable during the first two hours of the session, until 2 o'clock.

Mr. TOWNSEND. Then, Mr. President, I move that the Senate adjourn; and upon that motion I demand the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I withhold my vote, in the absence of the senior Senator from Maryland [Mr. SMITH], with whom I have a pair.

Mr. GALLINGER (when his name was called). I have a general pair with the senior Senator from New York [Mr. O'GORMAN]. I transfer that pair to the junior Senator from Maine [Mr. FERNALD] and vote "yea."

Mr. CHILTON (when Mr. GOFF's name was called). My colleague [Mr. GOFF] is absent on account of illness.

Mr. OVERMAN (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. WARREN]. I transfer that pair to the senior Senator from Tennessee [Mr. LEA] and vote "nay." I wish to state that I had this transfer on a former vote and neglected to announce it, and I make this announcement for the day.

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). I have a general pair with the junior Senator from Rhode Island [Mr. COLT] and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I announce the absence of my colleague [Mr. SMITH of Michigan] and his pair with the junior Senator from Missouri [Mr. REED]. This announcement may stand for the day.

Mr. STONE (when his name was called). Has the senior Senator from Wyoming [Mr. CLARK] voted?

The PRESIDENT pro tempore. He has not.

Mr. STONE. I have a general pair with that Senator. I have not been able to transfer it. I therefore withhold my vote.

Mr. WEEKS (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. JAMES] which I transfer to the junior Senator from Utah [Mr. SUTHERLAND] and vote "yea."

The roll call was concluded.

Mr. BECKHAM. I transfer my pair with the senior Senator from Delaware [Mr. DU PONT] to the junior Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. CHILTON (after having voted in the negative). I transfer my pair with the senior Senator from New Mexico [Mr. FALL] to the junior Senator from Wisconsin [Mr. HUSTING] and will allow my vote to stand.

Mr. STONE. I transfer the pair I have with the senior Senator from Wyoming [Mr. CLARK] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. HARDING (after having voted in the affirmative). I wish to ask if the junior Senator from Alabama [Mr. UNDERWOOD] has voted?

The PRESIDENT pro tempore. He has not.

Mr. HARDING. Then, because of my general pair with that Senator, I withdraw my vote.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN];

The Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN]; and

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON].

The result was announced—yeas 17, nays 40, as follows:

YEAS—17.

Brady	Kirby	Poindexter	Watson
Brandege	Lippitt	Sherman	Weeks
Curtis	McCumber	Sterling	
Gallinger	Nelson	Townsend	
Kenyon	Norris	Wadsworth	

NAYS—40.

Ashurst	Bryan	Fletcher	Hughes
Bankhead	Chilton	Hardwick	Johnson, S. Dak.
Beckham	Culberson	Hitchcock	Jones
Borah	Cummins	Hollis	Lee, Md.

Lewis
Martin, Va.
Martine, N. J.
Newlands
Overman
Page

Phelan
Pittman
Pomerene
Ransdell
Robinson
Shafroth

Sheppard
Shields
Simmons
Smith, Ariz.
Smith, S. C.
Smoot

Stone
Swanson
Thomas
Thompson
Vardaman
Walsh

NOT VOTING—39.

Broussard
Catron
Chamberlain
Clapp
Clark
Colt
Dillingham
du Pont
Fall
Fernald

Goff
Gore
Gronna
Harding
Husting
James
Johnson, Me.
Kern
La Follette
Lane

Lea, Tenn.
Lodge
McLean
Myers
O'Gorman
Oliver
Owen
Penrose
Reed
Saulsbury

Smith, Ga.
Smith, Md.
Smith, Mich.
Sutherland
Tillman
Underwood
Warren
Williams
Works

So the Senate refused to adjourn.

Mr. BANKHEAD. Mr. President, I desire to inquire what is the motion now before the Senate?

The PRESIDENT pro tempore. The motion before the Senate is that of the Senator from Montana [Mr. WALSH] to proceed to the consideration of the bill (H. R. 408) to provide for the development of water power and the use of public lands in relation thereto, and for other purposes.

Mr. BANKHEAD. I desire to give notice that if the motion of the Senator from Montana is voted down, I shall ask the Senate to proceed to the consideration of the bill (S. 4429) to amend the postal laws. I will state briefly that it is a bill to prevent the use of the mails for whisky advertising in States where advertisements of that character are prohibited.

Mr. JONES. Mr. President, in view of the anxiety displayed in the last few days to vote on a pending Executive nomination, I move that the Senate proceed to the consideration of executive business; and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, pending the motion to proceed to the consideration of executive business, I ask leave to say that if the motion is agreed to, immediately after the Senate goes into executive session an effort will be made to have a day fixed when a vote upon the pending business before the Senate in executive session may be had. I make this statement in order that Senators may stay here.

Mr. GALLINGER. Debate is not in order.

Mr. TOWNSEND. I rise to a point of order. I understand that the motion is not debatable.

Mr. STONE. It is not.

Mr. TOWNSEND. I object to discussion on the floor.

Mr. STONE. It is through.

The PRESIDENT pro tempore. The point of order is well taken. The Secretary will call the roll on the motion of the Senator from Washington [Mr. JONES] to proceed to the consideration of executive business.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). Making the same announcement that I made on the former vote as to my pair and its transfer, I vote "nay."

Mr. DILLINGHAM (when his name was called). I withhold my vote, because I observe that the senior Senator from Maryland [Mr. SMITH] is not in his seat, and I have a pair with that Senator.

Mr. GALLINGER (when his name was called). Announcing the transfer of my pair as on the former vote, I vote "yea."

Mr. OVERMAN (when his name was called). Making the same announcement as before, I vote "nay."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Being paired as heretofore stated, I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to the Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

Mr. WEEKS (when his name was called). Making the same transfer that I did on the last vote, I vote "yea."

The roll call was concluded.

Mr. BECKHAM. Announcing the same transfer as before, I vote "nay."

Mr. LANE. I wish to announce the unavoidable absence of my colleague [Mr. CHAMBERLAIN]. He is paired with the junior Senator from Pennsylvania [Mr. OLIVER].

The result was announced—yeas 22, nays 41, as follows:

YEAS—22.

Clark	Kenyon	Poindexter	Townsend
Cummins	Lippitt	Sherman	Watson
Curtis	Lodge	Smith, Ariz.	Weeks
Gallinger	McCumber	Smoot	Works
Harding	Nelson	Sterling	
Jones	Page	Thomas	

NAYS—41.

Ashurst	Hollis	Phelan	Stone
Bankhead	Johnson, S. Dak.	Pittman	Swanson
Beckham	Kern	Pomerene	Thompson
Borah	Kirby	Ransdell	Tillman
Brady	Lane	Robinson	Underwood
Brandeggee	Lee, Md.	Shafroth	Vardaman
Bryan	Martin, Va.	Sheppard	Wadsworth
Chilton	Martine, N. J.	Shields	Walsh
Clapp	Newlands	Simmons	
Culbertson	Norris	Smith, Ga.	
Fletcher	Overman	Smith, S. C.	

NOT VOTING—33.

Broussard	Gore	Lea, Tenn.	Saulsbury
Catron	Gronna	Lewis	Smith, Md.
Chamberlain	Hardwick	McLean	Smith, Mich.
Colt	Hitchcock	Myers	Sutherland
Dillingham	Hughes	O'Gorman	Warren
du Pont	Husting	Oliver	Williams
Fall	James	Owen	
Fernald	Johnson, Me.	Penrose	
Goff	La Follette	Reed	

So the motion was not agreed to.

The PRESIDENT pro tempore. The question before the Senate is the motion of the Senator from Montana [Mr. WALSH]—

Mr. TOWNSEND. I move that the Senate do now adjourn, and on that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BECKHAM (when his name was called). Announcing the same transfer of my pair as before, I vote "nay."

Mr. CHILTON (when his name was called). Making the same announcement as on the former roll call, I vote "nay."

Mr. DILLINGHAM (when his name was called). Again announcing my pair with the senior Senator from Maryland [Mr. SMITH], I withhold my vote.

Mr. GALLINGER (when his name was called). Making the same transfer of my pair, I vote "yea."

Mr. CHILTON (when Mr. Goff's name was called). I wish to state that my colleague, Mr. Goff, is absent on account of illness. He is paired with the Senator from South Carolina [Mr. TILLMAN]. I will let this announcement stand for the day.

Mr. OVERMAN (when his name was called). Making the same transfer that I made before, I vote "nay."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Announcing the same pair as before, I transfer that pair to the senior Senator from New Jersey [Mr. MARTINE] and vote "nay."

Mr. WEEKS (when his name was called). Making the same transfer that I did on the last vote, I vote "yea."

The roll call was concluded.

Mr. CURTIS (after having voted in the affirmative). I desire to ask if the junior Senator from Georgia [Mr. HARDWICK] is recorded as having voted?

The PRESIDENT pro tempore. He has not voted.

Mr. CURTIS. I have a general pair with that Senator and withdraw my vote.

Mr. SMITH of Georgia. Has the senior Senator from Massachusetts [Mr. LODGE] voted?

The PRESIDENT pro tempore. The senior Senator from Massachusetts has not voted.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "nay."

The result was announced—yeas 17, nays 42, as follows:

YEAS—17.

Brandeggee	Jones	Norris	Watson
Clapp	Kenyon	Polindexter	Weeks
Clark	Lippitt	Sherman	
Gallinger	McCumber	Sterling	
Harding	Nelson	Townsend	

NAYS—42.

Ashurst	Kern	Pomerene	Smoot
Bankhead	Lane	Ransdell	Stone
Beckham	Lee, Md.	Robinson	Swanson
Bryan	Lewis	Saulsbury	Thomas
Chilton	McLean	Shafroth	Thompson
Culbertson	Martin, Va.	Sheppard	Underwood
Cummins	Newlands	Shields	Vardaman
Fletcher	Overman	Simmons	Wadsworth
Hollis	Page	Smith, Ariz.	Walsh
Hughes	Phelan	Smith, Ga.	
Johnson, S. Dak.	Pittman	Smith, S. C.	

NOT VOTING—37.

Borah	Curtis	Gore	Johnson, Me.
Brady	Dillingham	Gronna	Kirby
Broussard	du Pont	Hardwick	La Follette
Catron	Fall	Hitchcock	Lea, Tenn.
Chamberlain	Fernald	Husting	Lodge
Colt	Goff	James	Martine, N. J.

Myers	Penrose	Sutherland	Works
O'Gorman	Reed	Tillman	
Oliver	Smith, Md.	Warren	
Owen	Smith, Mich.	Williams	

So the Senate refused to adjourn.

EXECUTIVE SESSION.

Mr. NEWLANDS. I move that the Senate proceed to the consideration of executive business.

Mr. TOWNSEND. On that motion I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I make the same announcement as to my pair and its transfer as on former votes and vote "yea."

Mr. GALLINGER (when his name was called). Making the same transfer of my pair as on former votes, I vote "nay."

Mr. OVERMAN (when his name was called). Making the same announcement as to my pair and its transfer as heretofore, I vote "yea."

The PRESIDENT pro tempore (when Mr. SAULSBURY's name was called). Making the same transfer of my pair as stated on the last roll call, I vote "yea."

Mr. WEEKS (when his name was called). Making the same transfer of my pair as on the last vote, I vote "yea."

The roll call was concluded.

Mr. LEWIS. I desire to say that I am paired with the Senator from Wisconsin [Mr. LA FOLLETTE] on the main question. I do not know how he would vote on this motion if he were present, and therefore I withhold my vote.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Louisiana [Mr. BROUSSARD] and vote "yea."

Mr. CURTIS (after having voted in the negative). I transfer my pair with the junior Senator from Georgia [Mr. HARDWICK] to the senior Senator from California [Mr. WORKS] and will let my vote stand. While on my feet I desire to announce the following pairs:

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from North Dakota [Mr. GRONNA] with the Senator from Maine [Mr. JOHNSON];

The Senator from Pennsylvania [Mr. OLIVER] with the Senator from Oregon [Mr. CHAMBERLAIN];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS];

The Senator from West Virginia [Mr. GOFF] with the Senator from South Carolina [Mr. TILLMAN]; and

The Senator from New Mexico [Mr. CATRON] with the Senator from Oklahoma [Mr. OWEN].

Mr. BECKHAM. Announcing the same transfer of my pair as on the last vote, I vote "yea."

Mr. TILLMAN. Making the same transfer of my pair as heretofore, I vote "yea."

The result was announced—yeas 41, nays 17, as follows:

YEAS—41.

Bankhead	Kern	Ransdell	Swanson
Beckham	Lee, Md.	Robinson	Thomas
Bryan	McLean	Saulsbury	Thompson
Chilton	Martin, Va.	Shafroth	Tillman
Clark	Newlands	Sheppard	Underwood
Cummins	Overman	Shields	Vardaman
Fletcher	Page	Simmons	Walsh
Hollis	Phelan	Smith, Ariz.	Weeks
Johnson, S. Dak.	Pittman	Smith, Ga.	
Jones	Polindexter	Smith, S. C.	
Kenyon	Pomerene	Stone	

NAYS—17.

Ashurst	Harding	Norris	Wadsworth
Brandeggee	Lane	Sherman	Watson
Clapp	Lippitt	Smoot	
Curtis	McCumber	Sterling	
Gallinger	Nelson	Townsend	

NOT VOTING—38.

Borah	Fernald	Kirby	Penrose
Brady	Goff	La Follette	Reed
Broussard	Gore	Lea, Tenn.	Smith, Md.
Catron	Gronna	Lewis	Smith, Mich.
Chamberlain	Hardwick	Lodge	Sutherland
Colt	Hitchcock	Martine, N. J.	Warren
Culbertson	Hughes	Myers	Williams
Dillingham	Husting	O'Gorman	Works
du Pont	James	Oliver	
Fall	Johnson, Me.	Owen	

So the motion of Mr. NEWLANDS was agreed to; and the Senate proceeded to the consideration of executive business.

After 3 hours and 45 minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, January 8, 1917, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

SATURDAY, January 6, 1917.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal Spirit, whose love divine permeates all space and reflects itself in a thousand angles from the works of Thy hands and in the hearts of Thy children, and is the inspiration of all that makes life dear, cements the ties of friendship, makes home the dearest spot on earth, comforts the sorrowing, soothes the dying, renders hope immortal, promises eternal peace, increase, we beseech Thee, its power, widen its influence, until it becomes the crowning glory of humanity and brings heaven in all its fulness to the earth; and glory and honor and praise be Thine forever, in the name of Him who poured His love out on the Hill of Calvary that we might know Thee. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had disagreed to the amendments of the House of Representatives, had requested a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Arizona, Mr. SHIELDS, and Mr. BRANDEGEE as the conferees on the part of the Senate.

The message also announced that the Senate had passed joint resolution, in which the concurrence of the House of Representatives was requested:

Joint resolution (S. J. Res. 190) to continue and extend the time for making report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee.

EXTENSION OF REMARKS.

Mr. PARK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing therein a letter from the Secretary of Agriculture relating to the pecan industry in the United States.

The SPEAKER. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

AGRICULTURAL APPROPRIATION BILL.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19359, the Agricultural appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Agricultural appropriation bill.

The Clerk reported the bill by title.

Mr. HUTCHINSON rose.

Mr. LONGWORTH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LONGWORTH. As I remember it, when the committee rose yesterday a point of order was pending, made by the gentleman from Wisconsin.

Mr. STAFFORD. Mr. Chairman, the point of order was not made, but was reserved, so as to permit the gentleman from New Jersey [Mr. HUTCHINSON] to discuss further the potash amendment to-day.

The CHAIRMAN. The gentleman from New Jersey is recognized for that purpose.

Mr. LEVER. Mr. Chairman, I wonder if the gentleman from New Jersey would permit me to make a statement respecting this potash situation, somewhat in the nature of a correction of what I said yesterday?

Mr. HUTCHINSON. Certainly.

Mr. LEVER. Mr. Chairman, on yesterday, in detailing the progress in reference to the establishment of the potash plant along the Pacific coast, I fear that in one statement I inadvertently misled the committee. I said in that statement that little had been done in the way of actual work looking to the erection of a plant. I made that statement in view of certain testimony before the committee as to which I had not refreshed my memory since the testimony had been taken. At the moment I had in my pocket a letter which was sent to me by the

Secretary of Agriculture, which I received while I was on the floor, and which I had not had the opportunity to even glance at.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. STAFFORD. The gentleman from Illinois [Mr. CANNON] is quite concerned about this item, but is unavoidably absent at the present time. If the gentleman is going to modify his statement of last night, I think it would be advisable to defer consideration of the item until the gentleman from Illinois returns.

Mr. LEVER. That is entirely satisfactory to me, and if the gentleman from New Jersey is willing, I shall ask unanimous consent to pass this item over temporarily.

Mr. HUTCHINSON. That is satisfactory to me.

Mr. LEVER. I ask unanimous consent, Mr. Chairman, to pass over this item temporarily.

The CHAIRMAN. Without objection, the request will be granted and the Clerk will read.

The Clerk read as follows:

BUREAU OF ENTOMOLOGY.

Salaries, Bureau of Entomology: One entomologist, who shall be chief of bureau, \$5,000; 1 chief clerk and executive assistant, \$2,250; 1 administrative assistant, \$2,250; 1 financial clerk, \$1,800; 3 clerks, class 4; 4 clerks, class 3; 10 clerks, class 2; 9 clerks, class 1; 10 clerks, at \$1,000 each; 4 clerks, at \$900 each; 5 clerks, at \$840 each; 2 entomological draftsmen, at \$1,400 each; 1 entomological draftsman, \$1,080; 4 foremen, at \$1,080 each; 1 entomological preparator, \$1,000; 4 entomological preparators, at \$840 each; 8 entomological preparators, at \$720 each; 7 entomological preparators, at \$600 each; 2 messengers or laborers, at \$900 each; 2 messengers or laborers, at \$840 each; 3 messengers or laborers, at \$720 each; 1 messenger boy, \$480; 5 messenger boys, at \$360 each; 1 mechanic, \$1,080; 1 mechanic, \$900; 1 mechanic, \$840; 1 laborer, \$600; 1 laborer, \$540; 1 laborer, \$480; 1 laborer, \$420; 2 charwomen, at \$480 each; 3 charwomen, at \$240 each; in all, \$102,680.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the item providing for an increase in the salary of the chief of the bureau from \$4,500 to \$5,000 a year.

Mr. LEVER. Does the gentleman make the point of order?

Mr. STAFFORD. I do not know whether the gentleman can make any explanation which will persuade me to withdraw the point of order. I suppose it is the desire to lift up the chief of this bureau, so far as salary is concerned, and the one following it, to equal that of the chiefs of the other bureaus in the departments?

Mr. LEVER. That is one reason. Another reason is that the gentleman who is at the head of the Entomological Bureau of the department has been in the department for 38 years and is regarded by the country as probably the greatest entomologist in the world. There has been no increase in his salary since 1911. His name is Dr. L. O. Howard, and I presume the gentleman knows him personally.

Mr. STAFFORD. I have not the pleasure of his acquaintance.

Mr. LEVER. He is a man of very great scientific ability and knowledge, and is looked upon in the country as one of the greatest men in his line of work in the world. The committee has felt for several years that his ability, capacity, and long service entitle him to this increase in salary.

Mr. ADAIR. How much increase is made in the bill over what he has been getting?

Mr. LEVER. Five hundred dollars. It puts him on an equality with most of the chiefs of the other bureaus, but it does not pay him any more than others.

Mr. STAFFORD. What salary would a scientist occupying a post in a professorial capacity at one of our universities receive for this character of work?

Mr. LEVER. I would say that a professor in charge of as large work as this in any great university or agricultural college—for instance, the director of an agricultural experiment station, or a man of that type—with as large responsibility in the way of administrative duties, coupled also with his scientific attainments, would command a salary of anywhere from \$5,000 to \$7,500 a year.

Mr. STAFFORD. Is the gentleman merely speaking haphazardly or based on actual information as to salaries paid to teachers in our universities, who occupy scientific positions?

Mr. LEVER. Let me illustrate. For instance, Dr. Galloway, formerly Assistant Secretary of Agriculture, was made dean of the agricultural college at Cornell University, at a salary of \$7,500 a year. I am satisfied that his duties there were no more responsible than the duties of the gentleman who is at the head of this bureau. I recall another instance, that of Dr. Wood, who was at one time connected with the Bureau of Plant Industry, and who became dean of one of the western agricultural colleges at a salary of some \$6,000 or \$7,000. We pay in South Carolina the director of our experiment station, I think, \$4,000. Of course his duties are not nearly so large as the

duties of this gentleman, and the salaries in the South in our colleges are relatively very much smaller than they are in the West, and North, and East. My statement is not a guess at all, but is a statement based upon general information of the subject, without having the specific information at hand. The gentleman from Ohio [Mr. Fess] would be a better judge of that than I am.

Mr. FESS. If the gentleman would permit, I wanted to say that the salaries of university professors, college professors, are gradually increasing. Some 10 years ago \$5,000 would have been regarded a salary for the head of a department. The salaries are increasing in all the big universities now. I want to ask whether the Government has not suffered various losses by having their expert men picked up out of the Government departments and taken to the various universities of the country?

Mr. LEVER. I can say emphatically that the Department of Agriculture suffers each year in the fact that the limitation upon the amount that may be paid to scientific men is fixed at \$4,500 by the law, and we are losing good men almost every day, who are going either into the universities as teachers or heads of departments or into private business.

Mr. STAFFORD. How old is Dr. Howard?

Mr. LEVER. I take it that he must be a man 65 years old.

Mr. STAFFORD. Mr. Chairman, I make the point of order.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. Mr. Chairman, I offer the following amendment: On page 52, line 8, in the place of the language stricken out on the point of order, insert "\$4,500."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, line 8, in place of the point stricken out, insert "\$4,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I see that the gentleman from Illinois [Mr. CANNON] has come into the Hall, and I therefore ask unanimous consent to return to the potash item, on page 51, at the bottom of the page.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to return to the potash item, at the bottom of page 51. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Mr. Chairman, in the statement which I made yesterday I probably gave the committee a somewhat erroneous impression of the situation with reference to the progress of the department in erecting a plant for the manufacture of potash as authorized by the current appropriation act. In my statement I used the following language, which does not quite represent the true situation:

The Secretary of Agriculture did not feel that with the information that he had at the time of making these estimates, or even at the time of the hearings on this bill, he was justified in spending very much of this money in the way of erecting a plant. He desires further time to look into the situation, and, therefore, he asks for the reappropriation of the funds provided for in the bill last year.

That statement is partly the facts represented before the committee, but it is not entirely the facts as stated before the committee, and I felt that in justice to myself I ought to say so. The truth about the matter is that in a letter addressed to the chairman of the committee, on page 320 of the hearings, the Secretary of Agriculture says this. I will read the letter for the benefit of the committee. It is addressed to me, and is as follows:

DECEMBER 7, 1916.

Hon. A. F. LEVER,

Chairman Committee on Agriculture, House of Representatives.

DEAR MR. LEVER: No estimate has been submitted for the operation of the experimental plant for the extraction of potash from kelp, which was authorized by the Agricultural appropriation act for the fiscal year 1917. Arrangements have been made for a certain degree of co-operation with one of the companies now operating on the coast, with the result that the expenses for operating the Government plant will be somewhat less than originally estimated. It will, for instance, be unnecessary for us to build or purchase a harvester at present, though ultimately this may become necessary if we decide to increase the output of the plant. A site has been secured which already contains a wharf. Some repairs will be necessary upon this, but it will not be necessary for us to build a wharf. Also we propose to start operations with 200 tons of wet kelp per day, ultimately going to 400 tons if it is apparent that more efficient operation can be carried on with the latter amount. Taking these things into consideration, together with the fact that until the plant is in actual operation it is extremely difficult to estimate the sum of money necessary for its operation, it seems wiser to defer a request for a further appropriation for operation until some time during the fiscal year 1918, when it is hoped that if it is necessary to secure additional funds to keep the plant in operation a definite statement of costs of operation can be presented. It is desirable, however, that such portion of the appropriation for the current fiscal year as remains unexpended on June 30, 1917, shall be reappropriated and made available until expended. To accomplish this it is requested that the following language be inserted in the bill:

"That so much of the appropriation of \$175,000 made by the Agricultural appropriation act for the fiscal year 1917 for the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale, including the establishment and equipment of such plant or plants as may be necessary therefor, as remains unexpended is hereby reappropriated and made available until expended for the purposes named."

Very truly, yours,

D. F. HOUSTON, Secretary.

Now, the statement I made yesterday afternoon did not vary a great deal from that, and yet I fear it varied enough to mislead the committee, and in fairness to the committee I desired to read that statement. Now, in addition to that, if the gentleman will permit, on yesterday the Secretary of Agriculture sent me a letter inclosing a copy of a letter which he had addressed to Representative HUTCHINSON in reference to the potash situation and the progress of work under this item. While I was making my statement, this letter was in my pocket.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent to proceed for five minutes further.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. This letter was in my pocket, but I had no opportunity to know what it was, and therefore I am going to read this statement into the RECORD:

DEPARTMENT OF AGRICULTURE,
Washington, January 5, 1917.

Hon. A. F. LEVER,

Chairman Committee on Agriculture,
House of Representatives.

DEAR MR. LEVER: I am sending you herewith a copy of a letter which the Secretary has written to Representative HUTCHINSON regarding the appropriation of \$175,000 for the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale. You will note that one of the items is \$12,000 for a harvester. When the bill was under consideration by the committee the department hoped to make arrangements for the purchase of wet kelp, which would make it unnecessary to purchase a harvester. Developments during the last few days indicate that satisfactory arrangements can not be made to secure the wet kelp needed in the operation of the plant. In the circumstances, arrangements have been made to secure a harvester.

Very truly, yours,

F. R. HARRISON, Private Secretary.

You will recall in the letter just read from the hearings a statement was made that a harvester would not be necessary.

Now, the letter to Representative HUTCHINSON, which he was about to read himself, and who has shown a great activity in this matter, reads as follows:

JANUARY 5, 1917.

Hon. E. C. HUTCHINSON,

House of Representatives.

DEAR MR. HUTCHINSON: I have your letter of January 4, 1917, requesting information as to the amount expended of the appropriation of \$175,000 for the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale.

Up to December 31, 1916, the amount actually expended for salaries and travel under this item amounted to approximately \$1,250. This figure can not be stated with absolute accuracy because certain travel expenditures have not as yet been audited. The figure given, however, is within a few dollars of the actual amount.

In addition, obligations have been incurred as follows: \$12,000 for a harvester, \$9,990 for three rotary driers, and \$750 for repairs to the dock, making a total of obligations to date of \$22,740.

Advertisements for bids on considerable additional machinery are at present outstanding, but since the dates for the opening of these bids have not as yet arrived, no statement of amounts in connection with these items can be made at present.

The work on this project is progressing as rapidly as possible. The plant is to be located at Summerland, Santa Barbara County, Cal., where a site has been secured, including a dock and railroad facilities. Plans for the building have been outlined, and, as indicated above, much of the machinery has either been secured or bids on it have been advertised for. We hope to start actual construction at Summerland by February 1, and unless unforeseen delays occur in the delivery of the machinery, expect to be operating within two months of that date.

Very truly, yours,

D. F. HOUSTON, Secretary.

I understand, in private conversation with the young man in charge of the work, that the site was secured without cost to the Government. The letter is signed by Secretary Houston.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. LEVER. Yes; but I wonder if the gentleman will let me complete my remarks.

Mr. STAFFORD. It is in connection with that inquiry.

Mr. LEVER. Very well. Go ahead.

Mr. STAFFORD. Has the committee made any investigation as to whether the plans for the operation of a Government plant are along the lines of those carried on by private establishments? Is it merely going to be a supplemental plant to those already in existence, or is it along new lines?

Mr. LEVER. My understanding is that this plant will be erected in order to find out if it is possible to manufacture, on a commercial scale, potash in competition with German salts under normal conditions, and the plant, of course, is going to be relatively a rather small plant, as compared with some of the plants in operation out there at this time. I was about to continue my statement to show what plants are operating there at this time.

Mr. STAFFORD. Has the gentleman also information as to the plants operating elsewhere throughout the country?

Mr. LEVER. Not throughout the country, but of the plants manufacturing this kelp.

Mr. STAFFORD. Has the gentleman information as to the number of plants that have been started throughout the country in the development of this industry?

Mr. LEVER. I will say to the gentleman that, so far as I know, there are no other plants operating in this country except those in connection with the manufacture of cement, the potash being a by-product in the manufacture of cement. No plants have been erected that I have knowledge of for the manufacture of potash alone.

Mr. STAFFORD. I can call the gentleman's attention here to one in my own city that has been established by private capital.

Mr. LEVER. Is it a cement factory?

Mr. STAFFORD. It is not. I am surprised to see that the gentleman has not made inquiries along those lines.

Mr. LEVER. I will say very frankly to the gentleman that the Committee on Agriculture stated some years ago that the only hope of obtaining potash in this country—and we based our judgment upon the investigations of the department that had been conducted for four or five or six years—was through the giant kelp of the Pacific coast. It is probably true that, maybe, some potash can be had in connection with the manufacture of cement, but I do not believe we can have any very great hope of getting potash from that source. Possibly invention may find some way of giving us that.

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

Mr. LEVER. Mr. Chairman, I ask to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. LEVER. We believe, however, that the giant kelp furnishes us with the real source of potash in this country if we can find a way to manufacture it cheaply enough to put it on a competitive basis with German salts.

Now, this morning I learned that there are eight plants on the Pacific coast at this time engaged in the manufacture of potash. The chief of these is the Hercules Manufacturing Co., which manufactures acetone to be used in the manufacture of munitions of war. This is a corporation capitalized at \$2,000,000. They sell some of the potash obtained as a by-product for fertilizer, but the main purpose of the manufacture is to get the acetone to be used in the manufacture of munitions. There are several other plants, among them those of the Swift Co., the Simmons Co., the Diamond Match Co., and others. The latter company uses most of its potash in the manufacture of matches. These other companies are manufacturing potash now for fertilizer purposes, and are selling it for those purposes, but they are selling it at a price far above the normal price for potash, and unless we can develop some way of cheapening the processes it is the opinion of the expert in charge of this work, given to me this morning, that these plants can not manufacture potash in competition with the German salt under normal conditions.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FESS. Does your information lead you to believe that when the munition demand is exhausted these same plants can go on and make potash alone without reference to munitions?

Mr. LEVER. Our information is that unless these plants very largely reduce their manufacturing costs and at the same time develop to the fullest capacity the value of the by-products of kelp—for example, iodine, ammonia, tars of the coal-tar variety, and combustible gas to be reused for the purposes of heat and fuel—unless they can very largely develop these by-products they can not compete with the German salt. It is the judgment, however, of the young man in charge of this—and he is not so young a man, either; he is about my age—that processes can be worked out by which the manufacturing costs can be largely reduced, and that processes can likewise be worked out by which full advantage may be had of the by-products which

I have mentioned; and with those two things conspiring, we can manufacture potash and put it on the market and sell it under conditions in competition with German salt.

Now, gentlemen, that is the situation, except that the Secretary has reached the point where he has acquired the site, where he has acquired dockage, where he has made obligations for the purchase of a harvester, where he is practically in the course of erecting his plant. If the point of order should be pressed, we would find ourselves in the situation of having the plant on our hands. They can erect it between now and the first of the next fiscal year, but they would be without funds, probably, for operating, because what was left out of the fund for erecting the plant would have to go back into the Treasury. In that situation I wanted to urge upon my friend, the gentleman from Illinois [Mr. CANNON], and the gentleman from Wisconsin [Mr. STAFFORD], both as business men, that they do not press the point of order at this time.

Mr. HICKS. Mr. Chairman, will the gentleman permit an interruption?

Mr. LEVER. Yes.

Mr. HICKS. Did I understand the gentleman to say a moment ago that it was reasonable to suppose that there would be enough potash developed from the manufacture of that kelp to supply the needs of the United States? Am I correct?

Mr. LEVER. No; but the testimony before the committee a year ago was to the effect that there was enough giant kelp on the Pacific coast to indefinitely supply our wants for potash if we can find a process by which it can be used in the trades. The giant kelp, as has been suggested to me by the gentleman from Arkansas [Mr. JACOWAY], is a plant that renews itself every three or four months.

Mr. LONGWORTH. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. LONGWORTH. May I add to that that the supply of kelp in sight on the Pacific coast is sufficient to supply five times over the demand of the American market if a merchantable way is obtained for preparing it for market?

Mr. HICKS. How much do they consume per day in this country? Does anyone know?

Mr. HUTCHINSON. About 3,000 tons.

Mr. LONGWORTH. We have been using in this country 50 per cent of the German export, as I remember it.

Mr. LEVER. That is my recollection.

Mr. LONGWORTH. I do not remember how much that is.

Mr. LEVER. I yield to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Does the gentleman from South Carolina [Mr. LEVER] think that a young man about his age, who has charge of this matter, spending the Government money, can compete with seven factories over there on the Pacific coast which are pushing the development of this industry? I notice Swift, amongst others, the great packing-house man.

Mr. LEVER. Yes.

Mr. CANNON. Some of the most energetic and intelligent organizations in the United States, with vast wealth and vast enterprise, are experimenting in this matter. Now, does the gentleman think that with this appropriation and with this small factory, without any special skill, the Government should enter upon this experiment? What has been done? I gather and believe from what the gentleman has stated that these private concerns could give the Government cards and spades against any expenditure that the Government is prepared to make, and then win. Take that wicked organization, the Standard Oil Co., with its 2,000 by-products. Fortunes have been made, I have no doubt, but I think the Government might have had charge of the development of those by-products and the employment of chemists and the expenditure of money for a thousand years and not have made any such progress as the self-interest of intelligent people, commanding the best talent, with scores of the best chemists, has accomplished along those lines. I do not believe the Government, with its vast expenditures which are necessary in other directions, should embark upon an experiment of this kind, when I am led to believe that much more has been accomplished and is being accomplished on a large scale, without one cent of cost to the Government, by private enterprise.

Mr. LEVER. The gentleman from Illinois will recognize the fact, however, that in this proposal here we are not undertaking any further appropriation of money. We are simply reappropriating what the last Congress appropriated for this purpose.

Mr. CANNON. Oh, well, after all, the money can not be taken from the Treasury unless this appropriation is made.

The CHAIRMAN. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. LEVER. I ask unanimous consent to proceed for five minutes more, and then I hope we may close up this matter.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. LONGWORTH. Speaking of the Government making experiments along these lines, some years ago the Government of Japan undertook precisely this same proposition. The Government of Japan went into this experimentation and was so successful in finding a profitable way of producing potash from kelp, even before the war started, that about a year and a half ago there were more than 60 different plants in active operation in Japan engaged in the production of potash, probably there are more now.

Mr. CANNON. By the Government?

Mr. LONGWORTH. As the result of the discoveries in Government experiment stations.

Mr. STAFFORD. Does not the gentleman believe those Japanese Government experiments are available and at the command of private concerns who may desire to make use of the information?

Mr. LONGWORTH. Not at all.

Mr. STAFFORD. Why not, if there are these 60 plants engaged in the manufacture in Japan?

Mr. LONGWORTH. I think if the gentleman should undertake to try to find out the secret methods employed in the operation of those plants, or any of them, he would have very great difficulty.

Mr. LEVER. Another thing, Mr. Chairman, in response to the suggestion of the gentleman from Illinois [Mr. CANNON]; if the gentleman's line of reasoning were applied to all Government activities, it would practically close down all Government experimental and investigational work. The Department of Agriculture is built upon the theory that the Government has a duty to conduct certain investigations and experiments which the private individual ordinarily is not able to conduct. The department has been built up on that theory. Many of the other departments of the Government have been built up on that theory. We created a Bureau of Mines, whose purpose was to see if we could relieve the condition of the miner and to investigate mining problems. We set our experts at work upon that proposition, and although men had been mining for thousands of years, and men of great capital had long been engaged in the enterprise, yet our Government experts discovered appliances which are now used to safeguard the lives and health of the men who work under the ground. My own theory about this differs very materially from that of the gentleman from Illinois [Mr. CANNON]. I think the Government has a large duty to perform in all of these matters, and the Department of Agriculture has grown from a mere desk and a few chairs into a great, constructive organization, whose whole purpose is the working out of these difficult problems which the average man has neither the scientific capacity nor the money to work out for himself.

Mr. DAVIS of Texas. Will the gentleman yield for a question?

Mr. LEVER. With pleasure.

Mr. DAVIS of Texas. Am I correct in my understanding that each of these individual enterprises has its own secret process, and that the only method by which the general public could ever be made familiar with the process of utilizing kelp is through the agricultural station of the Government?

Mr. LEVER. The gentleman from Texas brings out a very good point. If we discover anything through these investigations in the way of cheapening the process or in the way of greater utility of the by-products, those discoveries will likely be patented in the name of the Government.

Mr. MANN. Is the gentleman sure about that? In the Bureau of Mines we discovered a process that was not patented in the interest of the Government but patented in the interest of the man who made the discovery, who is now trying to hold up the Government.

Mr. LEVER. That man ought to be kicked out of the service.

Mr. MANN. We are talking about passing a bill to recognize him.

Mr. LEVER. I am not familiar with those facts.

Mr. COOPER of Wisconsin. Will the gentleman yield for an interruption?

Mr. LEVER. Yes.

Mr. COOPER of Wisconsin. The instance cited by the gentleman from Illinois shows that Congress is remiss in not passing a law to prevent that sort of thing.

Mr. LEVER. The gentleman from Wisconsin is correct also. I trust my two friends from Illinois [Mr. CANNON and Mr. MANN], for whom I have very high regard, and the gentleman from Wisconsin [Mr. STAFFORD], for whom I have equal regard, will not press this point.

Mr. FESS. Mr. Chairman, I ask unanimous consent that the gentleman from New Jersey [Mr. HUTCHINSON], who probably knows more about this subject than anybody else on the floor, may be permitted to address the committee for 10 minutes.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the gentleman from New Jersey [Mr. HUTCHINSON] be allowed 10 minutes. Is there objection?

There was no objection.

Mr. HUTCHINSON. Mr. Chairman, I am in hopes that the gentleman from Wisconsin will not press this point of order. I think this is one of the most important matters before Congress in the interest of the farmer and of the consumer. When this appropriation was before Congress on April 26 I endeavored to give the statistics of four of the largest crops, and to show the great benefit that potash had been in the increase of those crops. I also at that time made a prediction that if there was not some means of getting potash we would see a large depreciation in the crops.

I have taken the years of 1916 and 1915 for a comparison of the crops. I am not going to give you the entire figures, but only the results of four of these crops.

In 1916 the crop of potatoes was 73,666,000 bushels less than that of 1915, or a decrease of 15.1 bushels per acre. In corn the loss was 471,294,000 bushels, or 3.8 bushels per acre. In wheat the loss was 371,699,000 bushels, or 4.8 bushels per acre. In oats the decrease was 288,370,000 bushels, or 7.7 bushels per acre.

That is the way it was all along the line. Take the statistics of cotton and you will find the same results. I do not claim that potash is entirely the cause of the loss, but it is an important factor, because the weather conditions and other elements come into the final result. As I said, potash is one of the most important things to improve our soil. When you get your farm into a high state of cultivation by the use of potash, it has a great deal to do with preventing them from being injured by the elements of the weather and diseases that attack our crops.

We read a great deal about the high cost of living. A day or two ago I heard on the floor of the House some one accuse the bakers of the high cost of bread. It is not the farmer; it is not the miller; it is not the baker, or anyone else; it is the depreciation of our crops that causes the high cost of living. I claim that this Government can do no better work than to experiment upon the resources whereby we can get maximum crops.

I have taken a good deal of trouble to go to the Bureau of Soils, and I had a lengthy talk with Dr. Whitney, the chief, and he informs me that we have lots of potash in this country besides that on the great Pacific coast, and while they are experimenting there they are experimenting in other lines. We have large manufactories that have by-products that will produce all the potash the Government needs outside of the Pacific coast. It is only a small amount of private capital that can afford to go to the Pacific coast to get potash for the benefit of the farmer. All through the Eastern States there is no potash coming from the Pacific coast. One concern in Nebraska is making potash from a lake. It made a contract for \$3.50 a unit or per cent of potash, but the price has gone to \$6 a unit or per cent of potash. That is 10 times the normal price and they can not sell you much at that price. It is impossible to get potash from the Pacific coast unless it is by some concern like Swift & Co., or some large firm that has money to go out there. The eastern farmer and some of the Middle West can not get potash at any price.

Now, it is said that after the war the price will go down. Well, Germany knows the price of potash in this country, and it knows the demand for it; it knows that we can not get along without it, and unless we get some help from the Government so that we can get our potash at a reasonable cost we will pay the price.

I am not going to talk to you much longer, as the chairman, Mr. LEVER, has given you the letter that I received from the department saying that they have already obligated and made arrangements for the great part of the money and plant, and all that they have done will be useless unless we have this appropriation continued. As I said, a part of the experiment on the

Pacific coast is a small affair in my judgment. We use in normal times 3,000 tons a day, and in the first place the matter of freight will make it so high that it will be impossible to get it East, and also to some parts of the West. We have got to get potash from some other source than that of the Pacific coast. It will help out in that section, but it is impossible to keep our land in a high state of cultivation unless we get other means for producing potash at a reasonable price.

If anyone will compare these figures that I have given between the crops of 1916 and 1915, they will see that we have to do something, and if we do not do something soon our depreciation is going to be on the same lines the next season. I think it is a great mistake to bar the people of this country from this appropriation when it will do so much good. [Applause.]

HIGH COST OF LIVING AND SOME OF THE CAUSES.

Mr. Chairman, on April 21 of last year, when the bill making appropriations for the Department of Agriculture was under consideration, there was an amendment offered to appropriate \$175,000 for the purpose of determining the best method of obtaining potash in the United States on a commercial scale.

I endeavored at that time to impress on Congress the importance of potash as a factor in growing crops, and gathered statistics on the four important crops covering the last 25 years, to show the gradual increase in production due almost entirely to the use of potash.

I made the prediction at that time that if some means were not found to furnish potash for agriculture purposes we would very soon see a great depreciation in the yield and quality of our food crops.

All countries are concerned over the same question and are spending considerable time and large sums of money to devise ways and means to make the farms produce maximum crops.

The use of potash has been restricted by the European war, and as a result we see an enormous falling off in crop yields for the last year.

To verify this statement I will give the figures for 1915 and 1916:

Years.	Acres.	Bushels.	Bushels per acre.
POTATOES.			
1915.....	3,761,000	359,103,000	95.5
1916.....	3,550,000	285,437,000	80.4
Loss.....		73,666,000	15.1
CORN.			
1915.....	108,321,000	3,054,535,000	28.2
1916.....	105,954,000	2,583,241,000	24.4
Loss.....		471,294,000	3.8
WHEAT.			
1915.....	59,898,000	1,011,505,000	16.9
1916.....	52,785,000	639,808,000	12.1
Loss.....		371,697,000	4.8
OATS.			
1915.....	40,789,000	1,540,362,000	37.8
1916.....	41,539,000	1,251,992,000	30.1
Loss.....		288,470,000	7.7

Every one of the above crops shows a severe loss, and while I admit that weather and other conditions have had some effect, yet nearly the entire loss, especially in the potato crop, can be charged to the lack of potash.

Prof. Arthur Richmond Marsh, a noted economist and scholar, speaking on the same subject, states that fertilizers are necessary to intensive agriculture, and that in view of the inability of Germany to secure sufficient manurial elements the crops of that country will be cut almost in half this year.

He predicts that the potato crop will be less than 30,000,000 tons, as compared with the normal crop of 50,000,000 tons. That there will be a reduction of at least one-third in the grain crops and fully one-half in the production of milk, butter, and meat because of the lack of feeds and fodders for the animals.

To avoid just this condition in our country the Department of Agriculture has been working under this appropriation endeavoring to determine the best method of obtaining potash on a commercial scale, so that it can be produced at a price that will not be prohibitory to its use for agricultural purposes, and at the same time make us independent of all other nations for our supply.

Just how much the department has accomplished is shown by the following letter I received from the Hon. David Franklin Houston, Secretary of Agriculture:

DEPARTMENT OF AGRICULTURE,
Washington, January 5, 1917.

Hon. E. C. HUTCHINSON,
House of Representatives.

DEAR MR. HUTCHINSON: I have your letter of January 4, 1917, requesting information as to the amount expended of the appropriation of \$175,000 for the investigation and demonstration within the United States to determine the best method of obtaining potash on a commercial scale.

Up to December 31, 1916, the amount actually expended for salaries and travel under this item amounted to approximately \$1,250. This figure can not be stated with absolute accuracy because certain travel expenditures have not as yet been audited. The figure given, however, is within a few dollars of the actual amount.

In addition, obligations have been incurred as follows: \$12,000 for a harvester, \$9,990 for three rotary driers, and \$750 for repairs to the dock; making a total of obligations to date of \$22,740. Advertisements for bids on considerable additional machinery are at present outstanding, but since the dates for the opening of these bids have not as yet arrived no statement of amounts in connection with these items can be made at present.

The work on this project is progressing as rapidly as possible. The plant is to be located at Summerland, Santa Barbara County, Cal., where a site has been secured, including a dock and railroad facilities. Plans for the building have been outlined, and, as indicated above, much of the machinery has either been secured or bids on it have been advertised for. We hope to start actual construction at Summerland by February 1, and unless unforeseen delays occur in the delivery of the machinery expect to be operating within two months of that date.

Very truly, yours,

D. F. HOUSTON, Secretary.

Mr. Chairman, I feel that the department should be encouraged in their work and the appropriation continued, for I am of the opinion that one of the best means of reducing the high cost of living and making our country self-sustaining is to do everything possible to put farming and marketing on a scientific basis.

Mr. LONGWORTH. Mr. Chairman, I do not profess any degree of expertness in this question, although I have given it some attention and have seen something about the situation on the California coast. My interest in it lies because it is the foundation of my political belief that everything which is a necessity in the everyday life in the American people which can be produced in this country, having due regard for the climate, ought to be produced here. [Applause.]

Of course, we will never be able to supply the American people with tea, coffee, or rubber, and things of that sort. But where it is possible in this country to produce a necessity of life it should be produced here.

The great importance of potash, and of this particular item, is that it is one of the two materials upon which we are absolutely dependent on another country for our supply. This country has never been self-sustaining either in dyes or in potash. We have a beautiful example to-day of what our failure to be able to provide the people with these two necessities of life is costing them. The records show that in the case of dyes, which before the war averaged about 21 cents a pound, the American people are now compelled to pay as high in some cases as \$21 a pound, an increase of 10,000 per cent in a necessity of life. The rise in potash has not been so remarkable, but it has gone up, if my information is correct, from about 2 cents a pound to more than 20 cents a pound, an increase of over 1,000 per cent. The question that confronts us in the potash matter is not, it seems to me, whether we have arrived at a state where we can produce potash in commercial quantity but rather whether we are not justified in expending not only \$175,000 but infinitely more if by any possibility we can arrive at a method of producing potash in this country at such a price and in such quantity as will enable us to supply the American people. We have experimented in many ways. We have sought to find potash in the soil, in mines, in certain kinds of rock, and in various other ways. The gentleman from Nebraska [Mr. KINKADE] yesterday spoke of a project in his district to produce potash out of a certain deposit, if I remember correctly, in the beds of what were formerly lakes; but let me call the attention of this House to this fact, that if we can find a commercial method of producing potash from kelp, we will have found a method of producing potash from an article that will never die out. Even though we should find certain deposits in the soil, they will exhaust themselves in time, but if we can produce potash from kelp, then we will have an inexhaustible supply, for not only is there sufficient kelp in sight, the potash content of which is sufficient to supply the American market to-day four or five times over, but that kelp, if properly harvested, will reproduce itself anywhere from two to three times a year. Therefore, the supply is inexhaustible.

Mr. RANDALL. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. With pleasure.

Mr. RANDALL. In connection with the growth of kelp, it was brought to my attention yesterday that the fields in the vicinity of Long Beach, Cal., have already been mown over by a number of plants in that vicinity, and they have now gone across to Catalina Island to get further crops, with the expectation that the Long Beach fields will again be ready for harvest in two or three months.

Mr. LONGWORTH. So that it will be seen what a marvelous advantage this country will have, because it is the only country outside of Japan that has these enormous kelp fields. These fields stretch from Alaska to San Diego, Cal. The gentleman from South Carolina [Mr. LEVER] says that they are producing potash in some of these plants, but that the price is so high on account of the war that there is no incentive to find out the best and most economical method not only of production but of the utilization of the various by-products that come from the production of potash. The only facts that we do know are these, that a ton of wet kelp, or a unit of wet kelp, when dried, will produce about 20 per cent, in round figures, of its content in dry kelp.

Mr. JACOWAY. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. JACOWAY. I will ask the gentleman if he knows how many places in the United States kelp is found?

Mr. LONGWORTH. Only on the Pacific coast.

Mr. JACOWAY. Is it not found in Maine?

Mr. LONGWORTH. Not this particular quality of kelp. The giant kelp, which alone has a substantial potash content, is found only on the Pacific coast. This dry kelp will produce anywhere from 10 to 30 per cent of pure potash. We know what we have, but we have not yet developed a means of producing it successfully from a commercial standpoint, particularly in competition with the potash that Germany produces, which is a product of the mine.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. FESS. Is not that the real crux in the whole matter, that not being able to produce it in such quantity as to be of commercial value now, if the war closes these private plants may close down because there is no profit in it?

Mr. LONGWORTH. Unquestionably.

Mr. FESS. Whereas a Government plant could continue to make its investigations to find out what we do not know?

Mr. LONGWORTH. Entirely so, and now is the time to do it, it seems to me.

Mr. PARKER of New Jersey. Is not the dry kelp itself a good thing for the fields?

Mr. LONGWORTH. Dry kelp is used now as a fertilizer.

Mr. PARKER of New Jersey. Then what is the necessity for an expensive process of extracting potash?

Mr. LONGWORTH. Oh, the potash salts are very much more valuable than the dry kelp, are used for many objects other than fertilizing, and can be very much more easily transported.

Mr. HICKS. Mr. Chairman, I think we all realize the great importance of this potash question, and as the gentleman is versed in the matter, I will ask him this. We hear rumors from time to time of deposits being discovered here and there. Why is it that we do not mine those deposits? Is it because the rumors are exaggerated, or because it costs too much?

Mr. LONGWORTH. It is because the rumors are not true. They never have discovered potash deposits in this country, and probably there is no one here, except possibly as the gentleman from Nebraska [Mr. KINKADE] pointed out, who knows of any deposits.

Mr. HICKS. Two or three months ago we heard of one being discovered in Cuba.

Mr. LONGWORTH. The fact remains that the world to-day is dependent upon one country, practically one syndicate, in Germany, for the entire supply of potash, and that syndicate can dictate the total amount to be exported and can absolutely fix the price, and while the price was only 2 cents a pound, as I remember it, before the war, after the war is over, there being no competition whatever in this country, and because of the fact that we must have potash, Germany will be able to dictate the price absolutely, and it is entirely possible that we may be compelled to pay four or five times the amount we paid before the war for our potash.

At any rate, we are entirely in their hands, and they can do as they please, just as they can do as they please in the manufacture of dyes unless the protective duty established in the Kitchen bill will result, as I very much hope it will, in building up a substantial industry in this country. But with dyes and potash we have been absolutely at the mercy of another country, and furthermore, as it has been most disastrously

proved, when we are deprived of that supply the American people have had to pay anywhere between 1,000 and 10,000 per cent increase on absolute articles of daily necessity.

Now, climatically, we can produce dyes in this country with a protective tariff; climatically, we can produce potash in this country if we will investigate and discover proper chief methods of producing.

Mr. CANNON. What is the duty on potash now?

Mr. LONGWORTH. I think potash is free, but I am not certain.

Mr. CANNON. But it is on the dyes that there is protection?

Mr. LONGWORTH. Oh, yes.

Mr. CANNON. If the gentleman will allow me just there, if potash should remain on the free list, with the great supply in Germany and the cheap freights, how long does he think a duty would remain on potash?

Mr. LONGWORTH. Well, I am not able to say what, if any, duty would be placed on potash.

Mr. CANNON. It would not have as much chance as a dog in high rye.

Mr. LONGWORTH. I will say to the gentleman this: That if we have an industry in this country, a live industry, I believe in protecting it; but so far as potash is concerned we have a dead industry, and I do not believe in protecting it. I do believe in developing to the point where it will become a live industry, and then, if necessary, I believe in protecting it. But we have an asset here in this country of potash. We have a bed of kelp, reproducible two or three times a year, which stretches thousands of miles along one of our coasts. We have gone far enough in the experimentation to find out that it contains five times the amount of potash used to-day in this country. Let us suppose that we develop that bed. Let us suppose that we had here five times the necessary supply, do you not suppose that we would use this potash on fields where we never think of using it now? Do you not suppose that would immensely decrease the cost of many articles of daily necessity? Why, gentlemen, to me it seems there is no argument against this proposition. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOSS. Mr. Chairman and gentlemen of the committee, there is no question, I presume, that American agriculture is rightly more interested in than in the supply and cost of fertilizers, and I am not going to antagonize for a moment any effort on the part of the Agricultural Department to develop a supply of cheap potash. I do not believe their effort in the end will become successful along present lines of effort. I want to point out the fact that the one universal supply of fertilizers for the farmers of America is the animal industry in this country. In this connection I am forced to add that for more than 10 years the animal industry in this country has been steadily declining. During this period we have been annually exporting vast quantities of agricultural foodstuffs from American farms over the seas and into Germany. There has been more potash sent in the oil cake and other food products of the soil off American farms and sold to the German people to feed their live stock than we have ever imported from Germany to go upon our own farms. There is not one acre of corn out of every hundred grown in the United States that receives a handful of potash fertilizer upon it. My friend from New Jersey, Mr. HUTCHINSON, has discussed the corn crop of 1915 and 1916, in relation to the shortage of potash fertilizers. I can not see the important sequence. I doubt if there were a thousand acres of corn in the Mississippi Valley which received a handful of potash fertilizer during the years 1915 and 1916.

Now, the practical thing about it is this: Germany has enough potash to supply the whole world, not only for one year but probably for hundreds of years to come. That supply has always fixed a price at which this product would sell in the markets of the world. They have never attempted to put a prohibitive price on it, because such a policy would kill the goose that lays the golden egg for that nation. It is easy to make predictions, and the gentleman from Ohio [Mr. LONGWORTH] has attempted the rôle of a prophet; but I think it will be safe to assume that after the war is over commercial practices will follow the old lines, and if they can produce potash cheaper than we can, they will put a commercial price on the commodity which will command our markets. The only possible way to prevent this result would be to levy a high import duty. This action would result in high prices to the American farmer, and would justly merit the opposition of the American farmer. In the end, if we can buy our potash cheaper in Germany than in America, we will buy it there or else levy a tax on the food supply of our Nation. A more rational national policy will be to feed the foods we are now sending away and which are being wasted on the

American farms to food-producing animals and thereby increase the live-stock industry. Such a policy would place upon every farm a supply of fertilizer that is in reality costing no man anything, and that is not being imported from other countries. I do not believe that it is possible that American agriculture can be continued indefinitely in the future; that it will be possible to keep up the soil fertility in the United States except it is done on the basis of live-stock industry in the United States.

One great mistake is that we have been a pioneer Nation and have projected our development with small regard to the building up of scientific agriculture. It has been an agriculture that has been based largely upon the selling of raw agricultural products and the farmer buying back his finished products. Naturally, we have not had the same degree of national success in agriculture that we have attained in manufacturing and in almost every other line of American industry. In fact, the only line of industry that has engaged the American thought for any length of time in which we appear at a disadvantage when compared with the other nations of the world is that of agriculture, and this is very largely due to the fact that we have not builded our agriculture on the firm foundation of live stock, which is the only safe basis for any permanent agricultural industry. I will go further and assert that it is the only way agricultural industry has ever survived in any old country or ever will enjoy permanent prosperity in any country. There are more sheep pasturing in the parks of the city of London itself than you will find in almost any of the counties in any of the great grain-growing States of the United States. There are more sheep being pastured per acre in Great Britain than probably in any one State of the American Union, notwithstanding the fact of the high prices of this land as compared with ours. There are more sheep and cattle in Scotland than there are practically in a like area in the United States. And so we continue selling off our farms—selling oil cake to go to Germany, or did go there before the war, to feed their flocks and their herds. Thus we deplete wantonly the very fertility that you are saying here you want to conserve and to develop. The potash in our farm crops which we export is just as valuable to the Nation as any which may be manufactured from the kelp beds of the Pacific.

Mr. HUTCHINSON. Will the gentleman yield?

Mr. MOSS. Just one word in regard to the potash supply of Germany, and then I will yield. All they have to do in Germany to secure this product is to mine the potash and bring it to the surface, as cheaply as we would mine rock salt in this country, and the freight from Germany here would be less than the freight from the Pacific coast to Washington. There will not be a time in the life of any living man probably when it will be possible for us to ship potash from the Pacific coast to the farms in the Mississippi Valley, certainly not to the farms east of the Allegheny Mountains, as cheaply as it can be freighted here from Germany.

So the question is, If it will cost more to transport it across the American continent than it will cost to transport it from Germany, we come back to the competition between the cost of producing it here and the cost of producing it in Germany, and, in my opinion, the advantage will remain with Germany. I would not have mentioned this if it had not been that my friend from New Jersey [Mr. HUTCHINSON] spoke about the shrinkage in our agricultural crops and attempted to make it appear, by inference at least, that the lack of the potash supply was probably largely responsible for our present unfortunate deficiency in principal farm crops. I know enough about scientific agriculture to know that potash is one of the necessities for plant life. I know enough about practical agriculture to know that there are very few farmers who use it for the fertilizing of our great staple crops; and I know enough more about the subject to know that there is not one farmer in a thousand who has put a ton of potash on his land in the last 10 years for the fertilizing of corn or wheat anywhere in the Mississippi Valley but what has lost money on the first cost of doing it, except in very limited areas of muck lands, which are deficient in this element. And that statement rests not only upon my assertion, but it will be verified by the cost sheets from any practical farmer in the great grain-producing sections of the United States.

Mr. LEVER. Will the gentleman yield?

Mr. MOSS. Yes.

Mr. LEVER. The gentleman from Indiana, however, realizes that all of the great Atlantic belt, from Maine to Florida, in the production of vegetables, potatoes, and cotton is almost absolutely dependent upon its supply of potash.

Mr. MOSS. That is true, and I want to say further to my friend from South Carolina that I recognize the fact that in trucking and in special lines of agriculture they have used arti-

ficial commercial fertilizer to advantage, and always will, and the more highly you develop the land, the more potash and other elements of commercial fertilizers you will use; but I am speaking particularly now about the great farm crops that go to make the basic crops of American agriculture in the Mississippi Valley.

Mr. COOPER of Wisconsin. Will the gentleman yield for a question?

Mr. MOSS. Yes.

Mr. COOPER of Wisconsin. The gentleman is a large farmer himself?

Mr. MOSS. I would not say I am a large farmer, but I am a farmer.

Mr. COOPER of Wisconsin. The gentleman works a large farm, but says he is not a large farmer. The gentleman's whole business as a farmer is based on the raising of cattle, is it not? That is the principal thing.

Mr. MOSS. It is based upon live stock in a mixed animal husbandry.

Mr. COOPER of Wisconsin. The gentleman has recently bought 1,600 acres of land in my State for the purpose of using it for grazing cattle? I understood him to say so in a conversation the other day.

Mr. MOSS. Does not the gentleman believe it is a good purchase?

Mr. COOPER of Wisconsin. I do; but I wondered whether the gentleman's attitude as between commercial fertilizer and cattle fertilizer was absolutely impartial. I do not say it is not, but I wanted the gentleman's position as a matter of fact to lay before the House. The gentleman says that the farmers do not make any profit in using potash.

Mr. MOSS. On general farm crops.

Mr. COOPER of Wisconsin. But as to the possibility of that, may I narrate just briefly what I did?

Mr. MOSS. Certainly.

Mr. COOPER of Wisconsin. I offered a prize to the boys in my county for the one who would raise the most corn on an acre. A boy took an acre which had been declared to be almost worthless a few years ago and put it into corn. The average corn yield in our county that year, I believe, was 57 bushels, or something like that—something short of 60 bushels—and he raised approximately 130 bushels on that acre. He gave as the principal reason for it the scientific use of potash fertilizer as taught in the agricultural school in that county. Of course, he tended it carefully and worked it well.

Mr. MOSS. In reply to my friend from Wisconsin I want to say that I am very friendly to boy-club farming, but I am somewhat familiar with the way in which it is carried on. The boy is given an acre of ground on which to grow corn, and he selects the very best acre on his father's farm, and is charged a rental of, say, \$5; while if you put that acre on a commercial basis, probably the rental would be worth \$25 or \$30. So we get a low cost price. This small area of selected ground is given especial care and cultivation, resulting in exceptional yield. Then we wonder why the average in the United States is only about 28 bushels an acre. I am making that statement simply by way of illustration; but I do not believe there has been a bushel of wheat or a bushel of corn raised in the Mississippi Valley for 10 years, where a man has put any considerable quantity of commercial fertilizer on the land, without doing it at a loss. I recognize the fact that a good many people buy commercial fertilizer year after year, just as there are people who buy a great many other things that they ought not to buy, and upon which they do not make a profit; but I am speaking of the man who keeps a cost account and is able to give an intelligent account of the results of his fertilizer. This statement is not based on my mere assumption. For a number of years before I became too busy I had the pleasure of running a farm experiment station in collaboration with Purdue University. The land was measured and an accurate account of labor, fertilizers, and yields was kept, and received the attention of the experts of the university. After the harvest the accounts were audited to see whether we made anything from the application of fertilizers.

In some instances we applied fertilizer without any profit whatever, but in the majority of cases at an absolute loss. In general, during the years that are past, the man to make a profit in American agriculture is one of two classes, either he who purchased virgin land at a low price or the man who has gone into an intelligent live-stock rotation farming and has been able to keep up his farm fertility through the by-products.

Now, one word in reply to the gentleman from Wisconsin [Mr. COOPER]. The only reason that I went to northern Wisconsin to buy land was because I bought it for less than it was worth. If the State had an intelligent land policy, instead of selling land in blocks of 1,600 acres at a nominal price per acre, land

that will probably soon sell for \$100 an acre, the State should acquire ownership in trust for future generations. The land should be broken up into small tracts so as to be able to sell it to a man with small capital. The State should go further, and should partly develop the land before selling it to the settler, so as to enable the homeseeker to commence raising crops at once, and should give him ample time to pay for the land out of the products of the land. Such a policy would develop productive agriculture and it would do something toward helping men now landless and homeless to become independent home-owning agricultural citizens.

The greatest national endeavor during the present decade is on the reclamation lands in the West, where the Government experts take worthless land and have made it productive, and by so doing have made it possible for a man to purchase it and to commence making a living at once. If the State of Wisconsin would purchase the 10,000,000 acres in cut-over lands now vacant in that State and would make a reasonable appropriation by which it could be brushed, fenced, and made possible for the magnificent live-stock agriculture that is going to be developed and sell such improved lands at actual cost to the people of this country that are landless, sell it to those who would be willing to buy 40 or 80 acres and give them ample time to pay for it in small annual installments, it would be a great beneficence to the State and to the Nation.

But what are you doing? First, the Government sold the land to great lumber corporations for a trifle; lands which yielded from five to ten thousand board feet of lumber per acre. They have cut off these magnificent forests and have accumulated colossal fortunes. The slash was permitted to lie on the ground, inviting destructive conflagration. No seed trees were permitted to stand so as to insure reforestation. Forest fires have ravaged large areas, destroying all valuable young timber, and have made this immense area a veritable desert—it has been reduced by such a stupid economic policy so as to be almost worthless for years to come. The State now, as if in revenge, is imposing onerous taxes and thereby compelling these corporations to beg men to come in and buy it. True, they are selling it to them in its present worthless condition for much higher prices than they originally paid for it. That is the situation in northern Wisconsin. I have only taken advantage of the opportunity. It is not a reflection on the man that buys these lands; it is a reflection on the State that permits such a sale of them. [Laughter and applause.]

Mr. HUTCHINSON. Will the gentleman yield?

Mr. MOSS. Yes.

Mr. HUTCHINSON. I would like to ask the gentleman if his State, with the exception of New York and Pennsylvania, does not use more fertilizer than any other State in the Union?

Mr. MOSS. Unfortunately we have some poor land in the counties in the southern part of our State, and it is in that portion of the State where the great bulk of the fertilizer is sold and used.

Mr. STAFFORD. Mr. Chairman, I reserved a point of order when the paragraph was first read, and last evening the chairman of the committee gave us the information, or led the committee to believe, that the department had not launched at all into the purchase of machinery or manufacturing facilities, but said that the head of the department had virtually discouraged the continuation of this experimental plant.

Mr. LEVER. I think I did not go that far.

Mr. STAFFORD. It led me to believe that that was the position of the Secretary; but this morning he has presented information of a different character, which shows that the work is already started. I question very much whether anything whatever is going to come from this experiment. The hearings before the committee confirm that; but, Mr. Chairman, having launched into what I regard as a wasteful experiment, having contracted an expenditure of \$30,000 or \$40,000, I do not intend to press the point of order except upon that part which makes this a continuing appropriation. If the gentleman from South Carolina is willing to strike out the words "and made available until expended," I will withdraw the point of order.

Mr. LEVER. I have no objection to that.

Mr. STAFFORD. Then, Mr. Chairman, with that understanding, I withdraw the point of order.

Mr. LEVER. Mr. Chairman, on line 3, page 52, after the word "reappropriated," strike out the balance of the paragraph.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 52, after the word "reappropriated," in line 3, strike out the words "and made available until expended."

Mr. STAFFORD. I assume that the phrase "for the purposes named" will carry the limitation carried in last year's appropriation act?—

Provided, That the product obtained from such experimentation may be sold at the market price of such product, and the amount obtained from the sale thereof shall be covered into the Treasury as miscellaneous receipts.

Mr. LEVER. I should think so. The amendment is to strike out, after the word "reappropriated," in line 3, page 52, the words "and made available until expended."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

The Clerk read as follows:

For investigations of insects affecting cereal and forage crops, including a special investigation of the Hessian fly and the chinch bug, \$123,280.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. In each of the three items there is an increase in the appropriations over last year, in some instances running up to 25 per cent or more. I would like to inquire what is the occasion for the inordinate increase in these items.

Mr. LEVER. The item which precedes the one which has just been read has been increased \$17,600. The purpose of that is to enlarge the work of the Bureau of Entomology on chestnut weevils and miscellaneous nut insects, \$2,600; and, second, to put a field laboratory in the Ozark Mountain region in Arkansas for the study of fruits; third, to establish a field station in one of the New England States for work in connection with the apple-tree tent caterpillar, a very destructive insect, \$8,000; and to enlarge the work on insecticide, \$2,000.

Mr. STAFFORD. Then, in order to understand the manner in which these appropriations are increased, we can generally assume they are for the purpose of providing for the establishment of experimental stations such as indicated by the gentleman in the instance referred to?

Mr. LEVER. Not necessarily for that purpose, but sometimes for that purpose.

Mr. STAFFORD. If the phraseology is broad enough to permit the establishment of an experiment station, then the committee will not refer to it as a special item in the bill?

Mr. LEVER. No.

Mr. STAFFORD. But, if it is not broad enough, then the committee adopts the policy of informing the House of this special work?

Mr. LEVER. That is correct.

Mr. STAFFORD. Leaving the Committee of the Whole in the dark completely as to the activities of the department when they establish new experiment stations, such as in the Ozark Mountains and in New England?

Mr. LEVER. We think we have a pretty good check upon that.

Mr. STAFFORD. Where is the check?

Mr. LEVER. The information which the committee itself possesses.

Mr. STAFFORD. But the House has no such check.

Mr. LEVER. The House has it in the report of the committee.

Mr. STAFFORD. But the House is not acquainted with the report.

Mr. LEVER. It ought to be.

Mr. STAFFORD. Oh, the gentleman knows that every Member of the House does not examine each report that is filed.

Mr. LEVER. The gentleman will realize that the Agricultural Department, for instance, in the case of the Weather Bureau, has some 200 field stations which are not set out in the bill.

Mr. STAFFORD. But the gentleman will realize in that particular—

Mr. LEVER. Oh, the gentleman will permit me to complete my statement.

Mr. STAFFORD. Yes.

Mr. LEVER. I do not know myself offhand how many stations for carrying on experimental work are carried in the Department of Agriculture, but I do not think I would miss the guess very far if I were to say five or six hundred, or even a thousand; and probably 1,000 would be too little; but where the work is small, where what we call a field station is established, which is not permanent, which is not going to be there forever, but is to last for a couple of years for the purpose of studying some peculiar situation in a certain section of the country and which will be moved to some other section later on, we do not set it out. If we are to establish a station that is to be a permanent station, with overhead expenses, the committee has always adopted the policy of providing specifically for it in the bill.

Mr. STAFFORD. Is not the station to be established in the Ozark Mountains a permanent station?

Mr. LEVER. No; that will be a station to study the situation there until they have found out what the situation is, and then it will be removed to some other section of the country to study similar conditions there.

Mr. STAFFORD. The gentleman will recognize that it is hardly a parallel instance to cite the appropriations for the Weather Bureau, because he knows that when we establish additional Weather Bureau stations we always provide for specific appropriations authorizing the establishment of the particular weather bureau.

Mr. LEVER. Oh, the gentleman is mistaken about that. What we do when we establish a permanent Weather Bureau station is this: We make a specific appropriation when we establish a permanent weather bureau, but where we appropriate in the general expense fund we always carry sufficient to pay for the rent of the station where the station is located on a rental basis. Whenever there is a permanent proposition that amounts to anything at all we set it out in the bill.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. STAFFORD. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Will the gentleman give the committee the reason for the increase in the appropriation of \$10,000 in the paragraph following?

Mr. LEVER. That sum is to be used in further and more aggressive prosecution of the studies of the department, with a view to handling the Hessian fly situation. That question has been studied for many years, but the destructive effects of that fly are so great, amounting to as much as the loss of \$1,000,000,000, it is estimated, in some wheat crops, that the committee felt we ought to grant the increase asked by the department.

Mr. STAFFORD. And as to the item in the following paragraph of \$10,000, an increase respecting the cigarette beetle?

Mr. LEVER. We have not yet reached that item.

Mr. STAFFORD. No; but I thought I would get the information while I am on my feet.

Mr. LEVER. We are increasing that appropriation by \$10,000, for the purpose of enlarging the experiment with reference to the boll weevil in the South.

Mr. STAFFORD. What is the cigarette beetle? Is that the microbe that affects the human species, which makes them cigarette fiends?

Mr. LEVER. I do not know about that. Something must make the fiends. This is a little insect that punctures a cigar. The gentleman will frequently find his cigar with a whole in it.

The Clerk read as follows:

For investigations of insects affecting southern field crops, including insects affecting cotton, tobacco, rice, sugar cane, etc., and the cigarette beetle and Argentine ant, \$74,400.

Mr. WILSON of Louisiana. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment by Mr. WILSON of Louisiana: Page 53, line 22, after the first comma, strike out the figures "\$74,400" and insert in lieu thereof the figures "\$89,400."

Mr. WILSON of Louisiana. Mr. Chairman, in view of the fact that the chairman of the committee has just explained that there has been an increase of \$10,000 to assist in the boll-weevil investigation, I desire to make a statement to explain why this increase is asked.

It grows out of certain interesting developments made at the boll-weevil laboratory down at Tallulah, La., in 1916, in which there have been some very striking results, presenting the most encouraging situation that has been developed since the boll-weevil investigation began in 1904. The agents of this bureau and also the Chief of the Bureau of Entomology have stated that with the increase of \$15,000 these investigations may be carried out and exhaustively made in such a degree that if the results are for 1917 as they have been during 1916, and when the experiments are made on a larger scale, they will be ready to release the result of these tests to the planters of the cotton districts, and by doing so it would increase cotton production something like, on the basis of a crop like 1916, 1,000,000 bales, assuming that future operations will be in keeping with present expectations as to results.

Now, I do not think this information was before the Committee on Agriculture. In fact, I do not think this information was brought to Washington, or the results of this experiment known here, until after the committee had concluded its

hearings. The estimates sent in by the department are sent in, as I understand it, in September. This cotton was gathered the latter part of September, October, and the early part of November, and so the results were not and could not be known in September. But I can say from conferring with the agents of the department that they are anxious to secure a thorough test of the remedy they have been applying in the cotton district in Louisiana during the year 1916, and that they estimate that for that purpose \$15,000 additional will be necessary. The Committee on Agriculture concluded its hearings before the department expected they would be concluded, and this information was not before the committee at the time this bill was made up.

Mr. QUIN. Will the gentleman yield there?

Mr. WILSON of Louisiana. Yes, sir.

Mr. QUIN. Is this experiment of which you are talking something to do away with the boll weevil?

Mr. WILSON of Louisiana. It is something to control or exterminate the boll weevil. The experiments have been going on since 1904. A large amount of money has been spent in farm experimental work, but that is in order to adopt methods of farming to combat the boll weevil, but none of it has been spent, as I understand it, none can be spent, in the experiments made by these laboratories. These results are so interesting I would like to have the Clerk read a letter from the Government agent in charge of this laboratory at Tallulah, which states the results and the proposition in much better shape than I can, not being so familiar with it. I would ask the Clerk to read this letter for the information of the committee.

The CHAIRMAN. The Clerk will read.

The Clerk read the letter, as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF ENTOMOLOGY,
Washington, D. C., December 22, 1916.

DEAR MR. WILSON: Your letter of December 22 requesting information concerning the results of certain tests of the insecticide control of the boll weevil has come to hand. This investigation was opened at Tallulah in 1915. In that season every one of the nine plats treated with the poison showed a marked benefit due to the weevil control. However, these increases in production were not sufficiently large to be of great importance and it was considered possible that the dry season prevailing during 1915 was responsible for a degree of control which could not be secured under wet weather conditions. Consequently, the experiments were extended into the season of 1916 and very striking results secured. It was found that certain changes in the technique of application, such as in the time of starting and ending the application, apparently changed the results secured from a slight degree of control resulting in a comparatively unimportant increase in production to almost complete control resulting in very large increases. Considerable changes had been made in the physical and chemical properties of the insecticide utilized and also in the method of application. The field tests of the past season gave uniformly profitable results wherever the insecticide was applied in the manner which we now consider proper. For example, a series of four plats, each several acres in extent, on very rich soil gave an increased production of 425 and 426 pounds of seed cotton per acre in the poisoned plats over the check plats. Another test on poorer land treated only during the month of July gave an increased production of considerably over 100 per cent, or about 500 pounds of seed cotton per acre. An interesting feature of this last test was the fact that there were 22 days of rain during the month in which the applications were made, thus showing that the insecticide was effective regardless of the rainy weather. In still another case an abandoned field of cotton, which was so poorly drained that it had not been cultivated during June or July, was taken over on the 1st of August and one small strip (about six-tenths of an acre in extent) down the middle of this field was poisoned during August. This cotton had not been blooming since May and had set no early bolls. Shortly after the starting of the poisoning, however, the plat so treated commenced blooming and continued until the small, stunted plants had produced so much fruit that they matured and stopped all vegetative growth. This small plat stood out very prominently to the row, showing the line on each side at the termination of the poisoned area. Upon picking these plats it was found that the untreated cotton yielded from 45 to 60 pounds of seed cotton per acre, while the poisoned plat yielded about 400 pounds of seed cotton per acre in spite of the very poor stand and exceedingly stunted plant growth.

The present status of this investigation may be outlined as follows: The studies to date have indicated quite definitely that it is possible to poison the boll weevil effectively in the field under certain conditions, but that these various conditions must be thoroughly determined before it will be possible to outline any plan for the economic use of this method of control. It is apparent that quite a number of points, such as season of application, time interval between applications, amount of poison to be used per acre, period of application as regards the time of day, etc., are all of primary importance in determining the benefits secured, and all of these points must be thoroughly studied by a large series of field experiments before any definite recommendations can be made. In addition it is necessary to devise suitable and economic machinery for the application of this insecticide in the field and also to study thoroughly such questions as the possibility of substituting a cheaper chemical than the one now used, or diluting the present one in some manner. All of these investigations of course require a considerable expenditure of time and money, but in view of the present status of the investigations it seems desirable to study the question as exhaustively as possible within the next season in order to be able to release the information for the benefit of the planters at as early a date as possible if the method of control proves successful.

Very truly, yours,

B. R. COAD,
In Charge Delta Laboratory.

HON. RILEY J. WILSON,
House of Representatives, Washington, D. C.

Mr. TOWNER. Will the gentleman yield for a question?

Mr. WILSON of Louisiana. Yes, sir.

Mr. TOWNER. I notice that the amount included in this bill this year is \$10,000 larger than it was last year. Does that have anything to do with the gentleman's proposition?

Mr. WILSON of Louisiana. Well, that means there will be \$10,000 more spent upon the boll weevil investigation than was spent last year.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILSON of Louisiana. I ask that my time be extended.

Mr. LEVER. I ask unanimous consent that debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. HUMPHREYS of Mississippi. I would like to have five minutes in which to make a few remarks.

Mr. TOWNER. I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. MANN. You had best let it run a little bit. We may want a little time over here.

Mr. LEVER. Let us make it 25 minutes. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and amendments thereto close in 25 minutes.

Mr. WILSON of Louisiana. If that includes a sufficient time so that I may proceed for five minutes—

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that all debate on this paragraph and amendments thereto close in 25 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. WILSON of Louisiana. I will say to the gentleman from Iowa [Mr. TOWNER] that there is an increase over the amount expended for last year of \$10,000. That was asked for in the estimate sent in in September from the Department of Agriculture to the Committee on Agriculture, but after the results of this test and experiment had been made known to the department the Chief of the Bureau of Entomology estimated that to carry on this particular work and make an exhaustive test, and to reach a conclusion as to what benefit this might be to the cotton planter and its value as a means of boll-weevil control, in order that the Government might release the information to the farmer with instructions as to its use and application, this \$15,000 additional will be necessary.

Mr. TOWNER. Is that estimate of the department subsequent to the formation of the bill?

Mr. WILSON of Louisiana. Yes, sir.

Mr. TOWNER. And with full knowledge of the increase which is asked for previously, and having been allowed by the committee?

Mr. WILSON of Louisiana. Yes, sir.

Mr. TOWNER. Then we are certain, are we, I will ask the gentleman, that the department believes they ought to have this item increased \$25,000?

Mr. WILSON of Louisiana. Now, I would not extend that to the Secretary of Agriculture. My information is from the Chief of the Bureau of Entomology. That is the estimate he makes and the amount he desired to ask the committee for, but, of course, the Committee on Agriculture surprised even the department in the rapid manner in which it completed and closed up its business; hence there was not time for this estimate.

Mr. CANDLER of Mississippi. I will say that the bill was completed and reported to the House about 4 o'clock on the afternoon of the 22d day of December, and hence the provisions of the bill were known to the Department of Agriculture, and all the appropriations as fixed by the bill they were familiar with at the time the gentleman from Louisiana [Mr. WILSON] received his letter.

Mr. TOWNER. I want to ask the gentleman just one further question. There was some discussion before the committee, I think, regarding a new form of the boll weevil that originated in Arizona, or something of that sort. Was that not so, Mr. Chairman?

Mr. LEVER. If the gentleman will permit me in his time, there was no new form of boll weevil, but there is a new type of cotton out there which makes the condition of its control a little different.

Mr. TOWNER. I will say to the gentleman what I wanted to know was if really the department believed this additional expenditure was necessary? I have entire sympathy with the efforts that are being made by the department and by gentlemen who are acting in the interests of the people of the South, because certainly if anything can be done to control the boll weevil, which is one of the most serious pests this country has ever had, it should be done.

Mr. WILSON of Louisiana. And I thank the gentleman for his statement and for his sympathy on this question.

Mr. TOWNER. Although we have no cotton in Iowa.

Mr. WILSON of Louisiana. I want to say to the committee that the result of these experiments show, whether the test has been made on rich land in the delta or in the poor land, or the rank or luxuriant growth or scattered growth, the result has been the same, and it has been to increase the production at the rate of 425 to 500 pounds of seed cotton to the acre.

So it holds out and develops the most hopeful situation of anything that has ever been brought to light during all these years of investigation and study, and the bureau estimates that if it can secure \$15,000 additional and continue these investigations during the fiscal year 1918 it would be able to demonstrate the value of this method of control and release the results to the farmers of the country.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman yield?

Mr. WILSON of Louisiana. Yes.

Mr. McLAUGHLIN. The gentleman says the bureau says that. The letter that the gentleman read says nothing of the kind.

Mr. WILSON of Louisiana. I will say to the gentleman that this statement was given me by the chief of the bureau, and I think the chairman of the Committee on Agriculture will state that the matter was brought to his attention, and that this was the amount asked for.

Mr. McLAUGHLIN. Now, this letter giving all the information that the bureau had is dated the 22d of December. The committee was in session during that time, and almost at the close of the session of the committee the officials of the bureau were present, making and explaining their estimates and giving us the information they had gained as to conditions and the manner in which they were going to use their money, and they said nothing about this new condition that had developed. It was very evident that they knew all the evidence about the conditions, and they asked for only \$10,000 for the work and the committee allowed it. I think the chairman of the committee will bear me out in the statement that the committee had closed its hearings on the subject, and that no estimate had been sent in since the 10th day of December by the Department of Agriculture.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WILSON of Louisiana. Mr. Chairman, I ask unanimous consent that I may extend my remarks in the Record upon this bill.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. HUMPHREYS of Mississippi and Mr. KINCHELOE rose.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I just wanted to explain very briefly this new experiment which promises so much toward the destruction of this boll weevil pest. Gov. Shallenberger said before a committee of Congress a few years ago that an expert was a man who found out something that everybody else already knew and then explained it in language that nobody else could understand. Now, this particular expert is an exception to that rule. He has discovered something that nobody else knew, and he explains it in language that everybody else can understand. The pests that have heretofore destroyed cotton have fed upon the leaves, and so it became possible to spread, by mechanical means that were economical, poison on the plant, and thereby destroy the pests. But the boll weevil operates a little differently. He has a long snout—if that is the right name for it, and, not being an expert, I will speak in language you can understand—and he takes his snout and sticks it into the squares and the little boll, into the inside, so that it is not possible to get the poison there, where he will get hold of it. Now, this gentleman in the department conceived the idea that he would poison the water that the boll weevil would drink. The question was to find some poison that was very readily soluble. He got this and applied it to the cotton, and the dews of the morning melted that, and the result was that in his experiments with an area of cotton here that was treated with his poison and an area next to it that was not treated, the difference in the yield of the two was so marked that you could observe it as soon as you got into the neighborhood.

Now, having demonstrated the fact that the boll weevil could be poisoned, he realized—and all the people in the cotton belt realized—that a long step forward had been taken. But the next thing to ascertain was whether he could get a poison that could be economically applied. They believe that that can be

done, but it takes a number of experiments to ascertain that fact—how many applications should be made in the year, when is the most economical time to make the application, whether early in the season when the cotton first begins to have squares on it, whether later in the season, or both, how many times, and so on. Upon that may depend the feasibility, the practicability, the success of this experiment. If it is to be applied many times, it may not be economical to do it at all.

Now, it is very desirable that they shall have enough money to carry these experiments through the entire season, to try them under many different circumstances. Down in the deltas, for instance, what might be effective there might not be worth while out in the hills in the higher and drier regions of the country; so that this money is desired in order to enable them to make a complete demonstration of the efficacy or inefficacy of the discovery, which is really the first real substantial step that has been so far taken.

We have expended a great deal of money in fighting the boll weevil heretofore, in trying to ascertain how cotton can be raised under boll-weevil conditions, but up to date we have gotten no further than to find that cotton can be produced even with the boll weevil if you will work hard and work all the time; in other words, change the old unscientific, and in many instances slovenly, cultural methods. This is the first substantial ray of light that we have, and I hope the amendment will be agreed to.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. KINCHELOE. Mr. Chairman, I want to ask the committee chairman about this paragraph. I notice that this amount of \$74,400 is authorized and offered here for the investigation of insects affecting cotton, tobacco, rice, sugar cane, and so forth. Now, in whose discretion does it lie to determine the amount to be appropriated for the investigation of the various products and crops here?

Mr. LEVER. In all these lump-sum appropriations the discretion rests with the chief of the bureau and the Secretary of Agriculture as to the amounts that may be used on particular projects. If the gentleman is interested in tobacco—

Mr. KINCHELOE. That is what I am interested in; yes—

Mr. LEVER. I would call his attention to the fact that during the current year \$19,000 of this sum—

Mr. KINCHELOE. Of the \$74,400?

Mr. LEVER. Yes—will be used for tobacco horn-worm work. That is for the present year, and we assume, of course, that about the same amount will be used out of this sum for the next fiscal year, for the general statement was made that the appropriations would be devoted to the general lines of work now in progress.

Mr. KINCHELOE. There was about \$19,000?

Mr. LEVER. Yes. Now, there were other allotments for sundry lines of tobacco investigations, making a total for tobacco investigations of \$27,200.

Mr. KINCHELOE. And you think that will be the policy that will be pursued for the coming year? I am not antagonizing any boll-weevil proposition. I am simply trying to secure some information as to the tobacco situation. I understand the gentleman to say that his impression is that the policy of the department for the coming year will be to expend the money in the same proportion?

Mr. LEVER. Exactly.

Mr. QUIN rose.

The CHAIRMAN. The gentleman from Mississippi is recognized for five minutes.

Mr. QUIN. Mr. Chairman, I wish to add my word in support of the amendment offered by the gentleman from Louisiana [Mr. WILSON]. There could be no more important investment made by this Congress, if the evidence submitted by the officer in charge of that experiment station at Tallulah, La., can be believed, and I certainly believe it. And I submit that we ought to be prepared to believe anything that these bugologists and entomologists can get up. I do not know what the cost will be per acre. The gentleman never stated it; but under that letter an increase of about 33½ per cent in the production of cotton in boll-weevil territory has been demonstrated, under the new discovery of that experiment station.

Mr. WILSON of Louisiana. Will the gentleman yield?

Mr. QUIN. Yes.

Mr. WILSON of Louisiana. I will say for the benefit of the gentleman that the cost, in the experiment carried on last year, was about \$3 per acre, and the increase in the amount of cotton, as it sold during that year, was \$40 per acre.

Mr. QUIN. That is a very small cost, if they can get \$40 for \$3 additional expenditure, and I do not know how much work.

Mr. WILSON of Louisiana. The department felt that when they could experiment with it on a larger scale the cost might be much less; but in these experiments, made in a limited way, the cost averaged about \$3 per acre.

Mr. QUIN. I thank the gentleman. Now, many of you gentlemen on this floor do not know what a disastrous bug the boll weevil is. I speak from experience. I suppose the district that I have the honor to represent has suffered more from the boll weevil than any other district in the United States. That little bug came there about eight years ago and ate up whole plantations and drove the negroes out of my district into the delta, into the district of my colleague [Mr. HUMPHREYS]. The merchants refused to advance a dime to raise cotton—and I think they acted wisely—and the delta planters would buy their accounts, and nearly all of our labor left, and is now in the possession of the planters in the district of my distinguished colleague [Mr. HUMPHREYS]. Land that would produce one bale of cotton to the acre before the advent of the boll weevil had its productive capacity destroyed so that under the operation of that pestiferous bug it would take 50 acres to produce four or five bales. The result was pestilence and disaster throughout all the seventh district. It was equal to the famine described in Holy Writ, when the locusts came upon the land of Egypt. It took several years for the farmers and people generally in my country to rehabilitate and become prosperous.

Now, my friends, under the beneficent and munificent work of this Agricultural Department our farmers were enabled to engage in other lines of farming. We were taught to diversify—that is, the small farmer was. He had to make his living at home and stay at the same place. The big planter, with his houses occupied by tenants, with hundreds and even thousands of acres under cultivation, was left a landlord pauper, because his labor was gone and he was unable to get money to go into the cattle business, or stock raising, or any other line of farming, to make the land productive and profitable to him and the community.

Mr. SLOAN. Will the gentleman yield for a question?

Mr. QUIN. Yes.

Mr. SLOAN. We are not to understand, however, that Representative HUMPHREYS personally had anything to do with kidnaping these colored persons and taking them into his district? [Laughter.]

Mr. QUIN. Oh, no; it was the boll weevil that did it. It was the good fortune of the delta planters that the boll weevil drove our negroes out into Mr. HUMPHREYS's district. The boll weevil had not been in other portions of Mississippi until this year. He has gone into that portion of the State now represented by my friend STEPHENS, and my friend SISXON, and my friend HARRISON, and all over east and north Mississippi. He has gone over across into Alabama, and he is soon going to be in Georgia.

SEVERAL MEMBERS. He is there already.

Mr. QUIN. And wherever he goes his march is more devastating than that of Gen. Sherman through Georgia to the sea, and there is nothing left except the land and empty tenant houses.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIN. I should like five minutes more.

Mr. LEVER. How much time remains, Mr. Chairman?

The CHAIRMAN. Ten minutes.

Mr. LEVER. I wish to be recognized to close the debate.

The CHAIRMAN. The gentleman from Mississippi [Mr. QUIN] asks unanimous consent that his time may be extended five minutes. Is there objection?

There was no objection.

Mr. QUIN. Mr. Chairman, I am endeavoring to impress upon these gentlemen the necessity of doing something that will exterminate the boll weevil. If the experiment station in Louisiana has discovered what is claimed, this little additional \$15,000 for experimental work by the department is a mere bagatelle, and I believe there is something in it.

Mr. CANDLER of Mississippi. Mr. Chairman, if my colleague will yield, he spoke a moment ago about the boll weevil extending up into the northern part of Mississippi. As the gentleman well knows, I represent the extreme northern district of the State of Mississippi. I have here a succinct statement which shows the result of the ravages of this terrible pest. In 1915 Alcorn County raised 9,666 bales of cotton, and in 1916 it raised 8,635. Itawamba County raised 8,866 bales in 1915, and in 1916 only 1,759 bales. Lee County raised 20,185 bales in 1915 and 6,016 bales in 1916. Lowndes County raised 8,519 bales in 1915 and 2,273 bales in 1916. Monroe County raised 14,840 bales in 1915 and 4,264 bales in 1916. Noxubee County raised 8,319 bales in 1915 and 5,137 bales in 1916. Prentiss

County raised 12,822 bales in 1915 and 8,224 bales in 1916. Tishomingo County raised 6,963 bales in 1915 and 4,824 bales in 1916.

The same thing is going on all over the State.

Mr. QUIN. Why, yes; in Pike County, in which I have the honor to live, 30,000 to 35,000 bales of cotton used to be produced, and now 4,000 to 4,500 bales constitute a big crop. Adams County, which formerly raised 35,000 to 40,000 bales, has been cut down to 700 bales in one year. Those are some of the results of the ravages of the boll weevil in Mississippi. If this little additional appropriation will develop this remedy, to exterminate the boll weevil, or if it will give us an increase of 33½ per cent in the production of cotton on the same acreage, why not invest this additional \$15,000 and let the department proceed to ascertain if they can not do even more than that. The farmers are entitled to this and should have it right now. In my judgment no better expenditure of money could be made. [Applause.]

Mr. LEVER. Mr. Chairman, I do not think anyone is more disturbed about the boll-weevil situation than I am. Probably during this year that destructive insect will reach my own State, and probably my own district. I realize fully, through my experience on this committee, what the outbreak of the boll weevil in any cotton section means to the producers, to the bankers, to the merchants, to the business men, to all lines of industry. It creates panic; it brings about confusion. It is, as my friend from Mississippi [Mr. QUIN] has said, worse than the raid of Sherman's Army through our southern country. But I wish the members of the committee to understand that the Committee on Agriculture are thoroughly alive to this situation and have met it, as we think. The department is expending this current year \$20,000 in experimentations on the boll weevil, experimentations that have for their purpose the development of some method of eradication of the boll weevil.

It was brought to the attention of the committee in its hearings by Dr. Howard that the young expert to whom my friend the gentleman from Louisiana [Mr. WILSON] has referred had made a discovery that gave encouragement for the future. The remedy, it seems, has grown out of the fact that the experts in studying the life history of the boll weevil have found that he is a very thirsty individual and must have his water early in the morning. One of the difficulties in poisoning the boll weevil heretofore has been that the arsenate of lead or any poison put on the leaf did not affect the boll weevil at all because he does not begin to eat until he has punctured the squares beyond the reach of the poison. Now, in this case they have found that by putting the arsenate of lead upon the square or stalk when it is wet with dew early in the morning the boll weevil in coming out to get his morning drink takes the poison. The result thus far has been rather promising but not entirely conclusive.

Mr. JACOWAY. Experiments thus far affecting the boll weevil have not had the results that were expected?

Mr. LEVER. The investigations by this bureau of the department of the boll weevil up to this time have been negative. They have by actual tests discarded a lot of theories because they did not prove to be practical and have rendered a good service in this respect. This is the first affirmative step that they have found that is encouraging at all. But that is not the point. We are now spending \$20,000 through the Bureau of Entomology in this investigational work on the boll weevil. We are spending a much larger sum in the States Relations Service along a different line. The Department of Agriculture estimated an increase of \$10,000 to continue and broaden the investigation now being carried on in Louisiana. The committee very willingly gave it, and the amendment here is to increase that \$15,000 without an estimate by the department. I trust that the amendment will be voted down, because I can not see how it is possible to use it advantageously.

Mr. STEPHENS of Mississippi. Mr. Chairman, I would like to address the House for five minutes on this subject, and I ask unanimous consent that I may have five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed for five minutes. Is there objection?

Mr. LEVER. Mr. Chairman, with the understanding that I will not consent to any extension of time hereafter when the committee has agreed to close the debate, I will consent in this one instance, because the gentleman from Mississippi has been very active in this proposition, and he lives in the midst of the boll-weevil section.

Mr. STEPHENS of Mississippi. Mr. Chairman, I thank the gentleman from South Carolina for not making an objection to an extension of time and thus giving me an opportunity to make some remarks on this subject. I do feel a great interest in this

matter, and I regret exceedingly that the chairman of the committee having charge of this bill sees proper to oppose this amendment. I do not think the gentleman realizes the ruin, wreck, and devastation that comes as a result of the boll weevil. He has never had any experience with it in his section. He may have read a good deal about the matter, he may have seen newspaper stories with regard to conditions in these sections, but these things will not come to him in the way that they would if he were where they really existed.

The boll weevil has been in my State for several years. I had read about it. I was told about the great injury that was being done in other sections of my State by the boll weevil, but I had nothing like an adequate conception of the injury that was to come as a result of the work of this insect, because it had not struck my particular section of the State, just as the gentleman said it had not come into his own State.

Mr. LEVER. The gentleman from Mississippi will realize that the chairman of the committee has grown up with the boll weevil through all of its history and knows pretty well the situation.

Mr. STEPHENS of Mississippi. The gentleman has grown up with the boll weevil by way of hearsay and by way of reading, just as I had been told prior to 1916 when it came into my own particular community. Historically he may know of the boll weevil, but actually and practically he has no knowledge of the ravages of this destructive pest. I can testify to this, that in northern Mississippi last fall there were hundreds and thousands of acres in many counties that had heretofore produced many thousand bales of cotton, many an acre of which had produced more than a bale of cotton, and this year it did not produce a single lock of cotton. There were hundreds of thousands of acres where the pickers never went on the land because there was nothing to harvest.

Mr. CANDLER of Mississippi. Let me suggest to the gentleman that as a result the laborers in Mississippi sought places where the boll weevil had not entered.

Mr. STEPHENS of Mississippi. That is true; hundreds and thousands of people in that section of the country left it. I have seen trainloads of people leaving the country and seeking other fields, because their entire year's work had been lost owing to the work of this little insect.

It is really pitiful to witness in many sections the conditions that have come upon hundreds and thousands of people from the destruction of their crops. If the chairman of this committee and other Members here could only be brought to a realization of those conditions, there would be no opposition to this amendment that provides an appropriation to be used in an effort to rid the cotton-raising section of the country of the most destructive enemy that has ever invaded its confines. If time permitted, I could cite many instances of a distressing character, showing the want, poverty, and suffering resulting from the weevil. As I have stated, many thousands of acres of good land produced absolutely nothing. Many acres were not entered for the purpose of picking, because there was no cotton to pick. I have referred largely to conditions in my own section of Mississippi, but this is not simply an appeal for aid to that section, but it is made in the interest of the entire cotton belt, every portion of which is threatened.

Mr. Chairman, I go further and say that this is not simply a matter that affects the South, but that every section of our Nation where garments made of cotton are worn is interested in this matter and will be directly affected by our action in granting or refusing this appropriation.

In another way the other sections of the country will be affected. The man who can no longer grow cotton will be forced to raise other agricultural products, and these products will be thrown upon the market in competition with the sections of country that produce grain, cattle, hogs, mules, and so forth, and, therefore, depress prices in those products to the detriment of the western farmers. I suggest to the gentlemen from the West that in helping the farmers of my section you are really helping the farmers of your own sections.

It is quite probable that the diversification of crops that will come in the South as a result of the weevil may prove a blessing in many ways; but it is true that, owing to climatic conditions, character of soil, and circumstances surrounding many of the people, cotton will continue to be raised in the South.

I earnestly request and urge, gentlemen of the committee, that you vote this money out of the Public Treasury in an effort to relieve distressing conditions among the cotton farmers and also to protect and help the people of the entire country.

The CHAIRMAN. The time of the gentleman from Mississippi has expired; all time has expired; and the question is on the

amendment offered by the gentleman from Louisiana [Mr. WILSON].

The question was taken; and on a division (demanded by Mr. LEVER) there were 28 yeas and 23 noes.

So the amendment was agreed to.

The Clerk read as follows:

Preventing spread of moths, Bureau of Entomology: To enable the Secretary of Agriculture to meet the emergency caused by the continued spread of the gypsy and brown-tail moths by conducting such experiments as may be necessary to determine the best methods of controlling these insects; by introducing and establishing the parasites and natural enemies of these insects and colonizing them within the infested territory; by establishing and maintaining a quarantine against further spread in such manner as he shall deem best, in cooperation with the authorities of the different States concerned and with the several State experiment stations, including rent outside of the District of Columbia, the employment of labor in the city of Washington and elsewhere, and for medical supplies and services and other assistance necessary for the immediate relief of foremen, scouts, and laborers, and other employees injured while engaged in hazardous work under this item of appropriation, and all other necessary expenses, \$305,050.

Mr. ALMON. Mr. Chairman, I make a point of order against the language in the paragraph, line 2, page 55, as follows:

by establishing and maintaining a quarantine against further spread in such manner as he shall deem best, in cooperation with the authorities of the different States concerned and with the several State experiment stations.

That is subject to a point of order.

Mr. STAFFORD. I will reserve a point of order to the entire paragraph.

Mr. ALMON. Mr. Chairman, I want to say that I have no objection and the nurserymen, as far as I am advised, have no objection to the authorities quarantining against the gypsy and brown-tail moth, provided it will not be promulgated except as provided by the Federal nursery-stock law of August 12, 1912, which provides that before the Secretary of Agriculture shall promulgate such quarantine he shall, after due notice, give public hearings, under such rules and regulations as he shall prescribe, at which hearings any interested party may appear and be heard, either by himself or attorney. I have no desire to press the point of order if the chairman will accept an amendment to that effect.

The CHAIRMAN. Does the gentleman from Alabama withdraw the point of order?

Mr. LEVER. Mr. Chairman, if the gentleman from Alabama [Mr. ALMON] will yield a moment to permit me to make a brief statement, I desire to say that for some reason or other which I do not know about there has gotten abroad in the country an impression that there is being carried in this appropriation bill or that there is pending before the Agricultural Committee a proposition to seriously modify the nursery-stock law. There is no such proposition in this bill; there is no such proposition pending before the Agricultural Committee. There is no suggestion of such a proposition being brought before the committee that I know of. Certainly if the suggestion has been made it has not made enough impression upon my mind to make me recall it. There is not a line in the bill which affects the nursery-stock law. There is not a line in the item which we are now considering which has been modified or changed. That item has been in the bill for 10 years or more, and under it we conduct the work of the Department of Agriculture in an effort to control the spread of the gypsy and brown-tail moths in the New England States. Not a word in it is changed, and gentlemen have been unduly excited through letters and telegrams received from their nurserymen constituents, which telegrams and letters have been based on an erroneous statement, emanating from some source of which I have no knowledge. I have probably been approached by 50 Members of Congress with telegrams and I have received myself probably 50 telegrams, all couched in exactly the same language, so it appears that the information has sprung from the same source. I concede that probably this paragraph is subject to a point of order. I would think that a man who would make it, however, would be playing with fire very carelessly, because if the gypsy and brown-tail moths ever escape from the quarantine which we have thrown around them, and kept around them for 10 years, they will practically destroy certain classes of forests in this country. The gentleman from Alabama [Mr. ALMON] has been kind enough to show me an amendment which he desires to propose to this paragraph, which he thinks will relieve the fears of his constituents and the nurserymen throughout the country. That amendment provides:

Provided, That before the Secretary of Agriculture shall promulgate such quarantine he shall, after due notice to interested parties, give a public hearing under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney.

That is provided for in the nursery-stock law of 1912, which was known as the Simmons bill, and which was reported from the Committee on Agriculture. I took it upon myself this morning, when I heard about these proposed amendments, to get in touch with Dr. Howard, of the Bureau of Entomology, and ascertain from him if, in fact, in the enforcement of this provision in the bill he did give due notice of quarantine and permitted hearings.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. He informs me that he does so. So that what is sought to be accomplished by the amendment of the gentleman from Alabama is already the practice of the Department of Agriculture.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. MANN. This provision in the bill only makes an appropriation. Is not that subject to the nursery-stock law?

Mr. LEVER. I think not. I have read the nursery-stock law, and the language of the nursery-stock law is:

That it shall be unlawful to move or allow to be moved any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products specified in the notice of quarantine hereinafter provided.

Mr. MANN. That covers the earth. I helped prepare that bill.

Mr. LEVER. I was not sure that it covered stock for forest products.

Mr. MANN. In the first place, that is nursery stock.

Mr. LEVER. Yes.

Mr. MANN. And, in the next place, it is "other plants."

Mr. LEVER. That is true. And this amendment probably is not subject to the point of order. Personally I have no objection to this, and it may relieve the fears of the nurserymen.

Mr. MANN. This provision having been carried for years, these regulations having been in force for years, under this provision they would have to make new regulations.

Mr. LEVER. That may be, but as I said a moment ago the chief of the bureau informs me that they have been operating under a provision similar to this.

Mr. MANN. I understand, but the regulations have been in force. They are in force now, and if that provision comes in then after the 1st of July they could not enforce a quarantine until they had made new regulations and given notice, and that would delay the matter several months, during which time the gypsy moth might be spread all over the country.

Mr. LEVER. Frankly, I will say to the gentleman from Illinois that I can see absolutely no reason for this provision, and upon a vote I shall vote against it.

Mr. HEFLIN. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. HEFLIN. I suggest to the chairman of the committee that, since he states that this amendment is in line with the practice of the department, it can do no harm, and I would like to ask the chairman to offer the amendment.

Mr. LEVER. I am not willing to offer the amendment. As I said a moment ago, I shall vote against the amendment. I do not see that it helps the situation a particle. On the contrary, it may bring about the result suggested by the gentleman from Illinois [Mr. MANN] and it may open up a situation that would expose this country to the danger of a spread of the gypsy moth. And nothing could be more fatal to the forests of this country than even a momentary let-up of the quarantine against the gypsy and brown-tail moths. Looking at this act more closely I would contest the proposition of the point of order made by the gentleman from Alabama [Mr. ALMON] and I ask him to press his point so that we can decide that proposition.

Mr. DOWELL. Just a further question with reference to the amendment suggested. It is conceded, as I understand, by the committee that this amendment in no wise affects the ruling of the department and their action?

Mr. LEVER. I do not know just what the regulations of the department are in reference to the giving of notice as to a hearing except that I was informed by the chief of the bureau that notice always was given before quarantine was imposed, but there may be something in the suggestion of the gentleman from Illinois [Mr. MANN] that by this language we may slightly change the situation and therefore expose the country to an outbreak of the gypsy moth.

Mr. DOWELL. But the gentleman concedes that notice should be given?

Mr. LEVER. Undoubtedly a notice should always be given.

Mr. DOWELL. It does not go into effect, as I understand it, until July 1.

Mr. LEVER. Notice is now being given.

Mr. DOWELL. As I understand, this appropriation takes effect on July 1?

Mr. LEVER. That is true.

Mr. DOWELL. Is there any reason in the world why the department should not prepare any notice that may be necessary by the time this law goes into effect if we make the amendment which it occurs to me should be made to this bill?

Mr. LEVER. If the gentleman had as full appreciation of a delicate situation with respect to the danger of an outbreak in this country of the gypsy moth and brown-tail moth as the membership of the Committee on Agriculture has, I am sure he would not be willing to legislate upon that kind of situation unless the matter had been most thoroughly considered by a committee, and that committee had had the opportunity to examine very carefully into the situation and to consult those who have charge of the enforcement of the law, and for that reason alone I would vote against the proposition.

Mr. DOWELL. Mr. Chairman, I move to strike out—

The CHAIRMAN. There is a point of order now pending.

Mr. DOWELL. It is a question of order.

Mr. STAFFORD. I withdraw the reservation of the point of order on my part.

Mr. MANN. I reserve a point of order on the paragraph. As long as the gentleman from Alabama [Mr. ALMON] reserves a point of order on certain language of the paragraph, I reserve a point of order on the paragraph.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. MANN. The gentleman from Alabama [Mr. ALMON] has a point of order.

Mr. ALMON. Of course the fact will not be denied that this appropriation has been carried for probably 10 years in the Agricultural appropriation bill in this way, but that does not keep it from being subject to a point of order at this time. The only question involved on the question of the point of order is as to whether the Federal nursery-stock law of 1912 authorizes this appropriation. That seems to be in doubt in the mind of the chairman this morning. In fact, he did not think it applied. If not, it will be subject to a point of order. He now seems to be of the opinion that it is applicable and that this is not subject to a point of order.

Mr. TOWNER. Will the gentleman yield?

Mr. ALMON. Yes, sir.

Mr. TOWNER. It occurs to me that the question regarding a point of order is rather a serious one. I think the gentleman would hardly desire that the point of order should be sustained against it. Would it not be safer if the gentleman withdrew his point of order, and, if possible, secure the withdrawal of other points of order that have been made, and save his amendment?

Mr. ALMON. I stated plainly and emphatically that I would not insist upon the point of order, even against that part providing for the quarantine. I have no objection to a quarantine being promulgated against the gypsy moth and brown-tail moth, provided it is done in the way and manner provided in the Federal nursery-stock law of August 20, 1912.

Mr. MANN. Will the gentleman yield?

Mr. ALMON. Yes, sir.

Mr. MANN. How would it do to put in the bill "by establishing and maintaining a quarantine against such further spread in such manner" where it now reads "as deems best"—"in such manner as provided by the nursery-stock law"?

Mr. ALMON. I will state that is a fair amendment, and I am willing to accept in lieu of the one that has been presented one which will read:

Provided, That no such quarantine shall be promulgated except in the manner provided by the provisions of this act of August 20, 1912, entitled "An act to regulate the importation of nursery stock and other plant products."

That would remedy it.

Mr. MANN. It seems to me possibly the trouble with that will be it will leave open some period of time when there is no quarantine at all.

Mr. ALMON. It will mean, I will say to the gentleman from Illinois, that no additional quarantine shall be promulgated. It would not interfere with any already in force and operation and which have heretofore been promulgated, and it would require this notice to be given and an opportunity to be heard

before any additional quarantine is promulgated by the Secretary of Agriculture.

Mr. MANN. But that is positive legislation. This item goes into effect on the 1st of July. Now, a quarantine regulation would have to be issued in accordance with that. The old quarantine regulations would have no money with which to enforce them.

Mr. ALMON. Why not say "Provided no such quarantine shall be promulgated after a certain date"?

Mr. MANN. If you say "quarantine in the manner provided in this act" the existing regulations, being in accordance with the act, would continue with no period of time and would do exactly what you want to do. Strike out the language "as he shall deem best."

Mr. ALMON. I will ask the gentleman from Illinois what objection he would have to the amendment which has been read by the gentleman from South Carolina and myself, which is in accordance with the general nursery-stock law, providing for notice and hearings to be given?

Mr. MANN. The objection I have—and I do not say it is a valid one, but it seems to me it is—is that this is an appropriation in the bill to carry out certain purposes, including the nursery-stock law. The old appropriation ends on the 30th of June. The new appropriation becomes available on the 1st of July, but the old quarantine regulations will not have any money with which to enforce them after the 30th day of June, because you require new notice to be given, and, under the regulations to be made and under the nursery-stock law, that takes time. And for aught that I can see there would be a lapse of a period of time there where there would be no regulation which could be enforced, and the gypsy moth—

Mr. BUTLER. Flies very fast.

Mr. MANN. The trouble with the female gypsy moth is that it can not fly at all, and the only way it can be spread is through nursery stock, and once it gets into a locality you can not get it out.

Mr. LEVER. Let us see if we get clearly what the gentleman from Illinois has in mind. The 1st of July comes; this provision is in the bill; there is no money at that moment to enforce the regulations that were enforced two hours before. Now, then, they have got to issue their regulations; they have got to give notice of a hearing. That might take 30 days, and there is a lapse of 30 days in which you have absolutely no control of the gypsy moth. Is that the gentleman's idea?

Mr. MANN. Yes. This being at end, it would require new regulations after notice, and without regulations it could not be enforced.

Mr. LEVER. It is a very difficult situation.

Mr. MANN. But it is easy to accomplish what the gentleman wants to accomplish.

Mr. ALMON. Mr. Chairman, will the gentleman repeat that verbiage again?

Mr. MANN. Strike out where it says "in such manner as he shall deem best"; strike out "as he shall deem best" and insert "in such manner as is provided by the nursery-stock law," giving the title to it.

Mr. ALMON. Mr. Chairman, I offer the following amendment, which I will read.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. ALMON. Yes.

Mr. TOWNER. I suggest that he withdraw the point of order and that the gentleman from Illinois [Mr. MANN] will withdraw his, so that the field will be clear for amendment.

Mr. ALMON. Yes. I withdraw my point of order.

Mr. MANN. And I withdraw mine.

Mr. ALMON. I offer an amendment to read:

Amend, page 55, line 6, by striking out "as he shall deem best" and inserting "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plant products.'"

Mr. BUTLER. I understood the gentleman to say line 6. Is it not line 3?

Mr. ALMON. Yes; lines 3 and 4.

The CHAIRMAN. The gentleman from Alabama [Mr. ALMON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ALMON: Page 55, lines 3 and 4, after the word "manner," in line 3, strike out "as he shall deem best" and insert "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plant products,' so that the paragraph as amended will read: 'By establishing and maintaining a quarantine against further spread in such manner as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plant products.'"

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. LEVER. Mr. Chairman, would the Clerk report that amendment again? I did not catch one certain word of it.

The CHAIRMAN. The Clerk will again report the amendment.

The amendment was again reported.

Mr. TOWNER. Mr. Chairman, just a moment. I suggest that you insert right there "in lieu thereof."

Mr. ALMON. Yes.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Page 55, lines 3 and 4, after the word "manner," strike out "as he shall deem best" and insert in lieu thereof the following: "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery-stock and other plant products.'"

Mr. LEVER. It ought to be "other plants and plant products." I am giving the exact title of the act.

Mr. STAFFORD. If you are going to quote the title, you had better quote it entirely. You are only quoting it partially.

Mr. ALMON. I agree with the gentleman, and I will get it from the bill.

Mr. DOWELL. Mr. Chairman, I desire to inquire if it would not be better to strike out—

Mr. ALMON. Mr. Chairman, I ask unanimous consent to modify my amendment by describing the title of the act of 1912 in full.

The CHAIRMAN. Without objection, it will be so modified.

Mr. ALMON. I ask the Clerk to report the amendment as modified.

Mr. DOWELL. Just a moment, Mr. Chairman. May I inquire if it would not be better to strike out also the words "in such manner"?

Mr. ALMON. We have done that.

Mr. BUTLER. Oh, no.

Mr. GREEN of Iowa. Mr. Chairman, if my colleague will permit, I think it will spoil the force of the amendment as intended by the gentleman from Illinois.

Mr. BUTLER. Let us take it as it is.

The CHAIRMAN. The Clerk will report the modified amendment.

The Clerk read as follows:

Modified amendment: Page 55, line 3, after the word "manner," strike out the words "as he shall deem best" and insert in lieu thereof the words "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to promote and regulate the movement of fruit, and also fungicides, and for regulating traffic therein.'"

Mr. STAFFORD. Well, Mr. Chairman, again the gentleman has not gotten the title right. I suggest that instead of using a copy of some bill he take the phraseology from the act itself.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that we may pass this item over temporarily while the gentleman from Alabama perfects his amendment.

Mr. GARRETT. Is it agreeable to the gentleman from South Carolina to rise at this time?

Mr. LEVER. Yes. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. The gentleman from South Carolina moves that the committee do now rise. The question is on agreeing to that motion.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CARAWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and had come to no resolution thereon.

INCREASE OF SALARIES, DEPARTMENT OF AGRICULTURE.

Mr. GARRETT. Mr. Speaker, by direction of the Committee on Rules I present a privileged resolution.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House report No. 1254.

The Committee on Rules, having had under consideration H. Res. 432, respectfully reports the same to the House with the recommendation that it be agreed to.

"Resolved, That it shall be in order to consider an amendment to a bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, and for other purposes, as follows, notwithstanding the general rules of the House:

"That to provide, during the fiscal year 1918, for all persons employed under the Department of Agriculture, including on the lump-sum rolls only those persons who are carried thereon at the close of

the fiscal year ending June 30, 1917, increased compensation at the rate of 10 per cent per annum to such employees who receive salaries or wages from such department at a rate per annum less than \$1,200, and increased compensation at a rate of 5 per cent per annum to such employees who receive salaries or wages from such department at a rate of not more than \$1,800 per annum and not less than \$1,200 per annum, so much as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That the increased compensation provided by this section shall not apply to persons whose duties require only a portion of their time, except charwomen, or whose services are needed for brief periods at intervals, or to any persons who receive a part of their salaries or wages from any outside sources under cooperative arrangements with the Department of Agriculture: *Provided further*, That detailed reports shall be submitted to Congress on the first day of the next session showing the number of persons, the grades or character of positions, the original rates of compensation, and the increased rates of compensation provided for herein"; and be it further

"Resolved, That no amendment shall be in order in the consideration of the foregoing amendment changing existing law beyond the fiscal year 1918, nor shall any amendment be in order relating to the compensation of employees not appropriated for in H. R. 19359."

Mr. GARRETT. Mr. Speaker, in so far as the language of the rule is concerned, it is precisely the same as that which was used in connection with the amendment to the legislative, executive, and judicial appropriation bill. The language that is proposed in the act itself is somewhat different from that which is proposed in the legislative bill, and the change is made necessary by the different conditions with which the Agricultural Committee has to deal. Does any gentleman desire any time?

Mr. DOWELL. Mr. Speaker, may I inquire if this rule does not relate also to the time between the enactment of this law and the 1st of July, 1917, and does it not in that respect differ from the other rule?

Mr. GARRETT. Is the gentleman speaking of the rule now, or the law?

Mr. DOWELL. I mean the rule. As I understand it, the rule limits it to this enactment.

Mr. GARRETT. Yes.

Mr. DOWELL. Under the other rule, as I understand, it is merely limited to the expiration of the time of this appropriation.

Mr. GARRETT. It is exactly the same language that was in the other rule, and there were rulings by the chairman on that, which, of course, will be precedents in ruling on this.

Mr. DOWELL. I understood there was a difference.

Mr. GARRETT. No; there is no difference at all in the language.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The resolution was agreed to.

AGRICULTURAL APPROPRIATIONS.

On motion of Mr. LEVER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19359) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1918, with Mr. CARAWAY in the chair.

Mr. ALMON. Mr. Chairman, I ask unanimous consent to withdraw the amendment which I offered, for the purpose of offering the following amendment, which correctly sets out the title of the act.

The CHAIRMAN. Without objection, the amendment will be withdrawn, and the gentleman from Alabama offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. ALMON: Page 55, line 3, after the word "manner," strike out the words "as he shall deem best," and insert in lieu thereof the following: "as is provided by the general nursery-stock law, dated August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to promote and regulate the movement of plants and vegetables therefrom, and for other purposes.'"

Mr. MANN. I suggest to the gentleman that he change the word "dated" to the word "approved."

Mr. ALMON. I accept that suggestion and ask unanimous consent that the Clerk make that correction.

The CHAIRMAN. Without objection, it will be so modified. The question is on the amendment.

Mr. DOWELL. Mr. Chairman, may we have the amendment reported as finally modified?

The CHAIRMAN. Without objection, the Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ALMON: Page 55, line 3, after the word "manner," strike out the words "as he shall deem best," and insert in lieu thereof the following: "as is provided by the general nursery-stock law, approved August 20, 1912, entitled 'An act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to promote and regulate the movement of plants and vegetables therefrom, and for other purposes.'"

Mr. HOWARD. I was not on the floor when this discussion began. I would like to ask the gentleman from Alabama what is the object of this amendment?

Mr. ALMON. I first raised a point of order against the paragraph, on the idea that the appropriation was not justified by the general nursery-stock law of 1912, but the chairman ruled that it was. The general nursery-stock law requires that before a quarantine shall be promulgated, notice shall be given to interested parties, and that they be given an opportunity to be heard before it is promulgated. In order to keep down the fears of the nurserymen of the country, some of whom are in my district, and whose fears seem to have been aroused, we have put in this proviso so that the quarantine against the gypsy and brown-tail moths shall not be promulgated by the Secretary of Agriculture except after notice to interested parties and an opportunity is given to be heard in the manner provided by the general nursery-stock law.

Mr. SLOAN. Can the gentleman state whether or not there is any extension of the power of the Secretary of Agriculture in the making or promulgating of rules for quarantine in this amendment, or in the new legislation on page 55 of the bill?

Mr. ALMON. Not that I know of.

Mr. LEVER. There is absolutely none, I will say to the gentleman from Nebraska. In the first place, the language of the bill, on page 55, is not new language. It has been carried in the bill now in that identical language for 10 years, and this amendment which is proposed neither increases nor diminishes the authority of the Secretary of Agriculture.

Mr. SLOAN. And the purpose of the amendment is to make it clear that the Secretary has not the new powers which it was thought were about to be granted to him in the bill?

Mr. LEVER. Yes; the amendment is to satisfy the fears of nurserymen.

Mr. CLARK of Missouri. I should like to ask the gentleman a question. Have these State entomologists and these Federal entomologists the power arbitrarily to say that the nursery stock from the Stark Nursery, for instance, in my county, shall not be shipped into Illinois, or Iowa, or South Carolina, or any other State?

Mr. LEVER. They have, after notice, under the act of 1912.

Mr. CLARK of Missouri. Suppose they make an erroneous ruling about it, how do you get at it? Is there any appeal from the decision of one of these bugologists?

Mr. LEVER. I have not refreshed my memory, but I do not think there is any appeal.

Mr. CLARK of Missouri. One of them could bankrupt the biggest nursery in the world.

Mr. ALMON. That shows the importance of notice.

Mr. MANN. Those things are all pretty well provided for in the nursery-stock law. Tests may be made, and everything else done under inspection, so that practically there can be no question in reference to whether the quarantine regulations are correctly applied, because authority is given to make actual tests under inspection.

Mr. TOWNER. The provision of the law is that it can not be done without a hearing.

Mr. CLARK of Missouri. I know; but suppose one of these learned scientists makes an erroneous ruling about the nursery stock of any nursery whatsoever. Is there any way of appealing from his decision?

Mr. TOWNER. There is the right of appeal to the Secretary of Agriculture. As to whether or not they may go any further, that would be a question I would not like to answer.

Mr. LEVER. If so, I do not recall it.

Mr. TOWNER. There is no particular provision, but if there is no provision against it, certainly an appeal would lie.

Mr. LEVER. To whom?

Mr. TOWNER. To the Secretary of Agriculture.

Mr. LEVER. Oh, I thought the gentleman meant an appeal beyond the Secretary of Agriculture.

Mr. TOWNER. Oh, no; I do not say that there would be any appeal that might lie beyond that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word. My recollection is, although it may be entirely erroneous, that either the brown-tail moth or the gypsy moth was brought into the country shortly after the Civil War. The other was brought in about 1890. They have proved a very great pest in New England. Up to date they have not been very successful, as far as I can ascertain, in finding a parasite which will destroy them. The female of the gypsy moth can not fly, and the only way it can spread at any distance is through nursery

stock—by the shipment of plants which have the eggs of the moth upon them. I think the eggs are laid in August and hatched in the following spring.

My recollection is that there are two broods of the brown-tail moth, and the female of the brown-tail moth is an active flier. The brown-tail moth is not only destructive to trees but the caterpillars themselves have hairs upon them, and when they molt and get in the air, wherever they strike the flesh of a person it inflicts a wound. They are poisonous and exceedingly disagreeable to people who happen to live where they have this pest. The pest in both cases is very apt to be on street trees in cities, and so we do not want them out in our country.

The Clerk read as follows:

For the maintenance of the Montana National Bison Range and other reservations and for the maintenance of game introduced into suitable localities on public lands, under supervision of the Biological Survey, including construction of fencing, wardens' quarters, shelters for animals, landings, roads, trails, bridges, ditches, telephone lines, rock-work, bulkheads, and other improvements necessary for the economical administration and protection of the reservations, and for the enforcement of section 84 of the act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States," \$30,000, of which sum \$2,500 may be used for the purchase, capture, and transportation of game for national reservations.

Mr. PLATT. Mr. Chairman, I offer the following amendment. The Clerk read as follows:

Page 57, line 4, after the word "States," strike out the figures "30,000" and insert in lieu thereof the figures "35,000."

Mr. PLATT. Mr. Chairman, I offer this amendment because this includes the care of 5 big game reservations and about 70 bird reservations. Thirty thousand dollars is a remarkably small sum of money for the work, so small that you wonder how the Biological Survey does anything substantial with it. If you take the 70 bird reservations and the big-game reservations and add them together you find that the \$30,000 gives only \$400 apiece. Now, it requires considerably more than \$400 to take care of each of the great elk and bison reservations, and consequently a good many of the bird reservations have no care whatever.

In the hearings Dr. Palmer, of the Biological Survey, said that some 15 or 16 bird reservations have no wardens. While it is admitted that a few are small and do not need wardens, there are some very large ones, like the Laysan Islands Reservation, in the Hawaiian Islands, and the Aleutian Islands Reservation, off the coast of Alaska, where we have no wardens and no way of knowing whether there is poaching on these great reservations or not except as we hear it reported by travelers or by some ship that has happened there long after it has occurred.

It is also brought out in the hearings that the work now being done in the care of the bird reservations is possible only through the cooperation and money raised by the National Association of Audubon Societies. They collect money and that money is used for the purpose of doing work that ought to be done by the United States Government.

Mr. ELSTON. Will the gentleman yield?

Mr. PLATT. Certainly.

Mr. ELSTON. I asked the gentleman a question when this matter was up before about the Laysan Islands in Hawaii. What is being done, and whether or not we have any patrol of those islands?

Mr. PLATT. According to the statement of Dr. Nelson, Chief of the Biological Survey, nothing is being done whatever. Those islands extend over several degrees of longitude. It is a large aggregate of little islands. We have no warden there, and we can only afford to send a steamer there once a year or so to see whether any harm has been done. Hundreds and thousands of birds have been killed there in the past by poachers for their breasts and plumage, and we have not known anything about it for months afterwards.

Mr. ELSTON. I understood that there was a warden appointed for service on those particular islands.

Mr. PLATT. Not according to the statement of the chief of the bureau of the Biological Survey. The appropriation for wardens was increased somewhat in the last bill, but not enough, in the judgment of the survey, to provide for this large group of islands.

Mr. ELSTON. Will the gentleman state whether it is an important bird reservation by reason of its location, and so forth?

Mr. PLATT. It is very important, affording a nesting place for many thousands of sea birds like the albatross.

Mr. ELSTON. How important in comparison with other bird reservations?

Mr. PLATT. I should say that the bird reservations in the United States which care for game birds in their winter homes

are more important. Some of these have very little care, and what care they have is largely through private subscriptions of the Audubon Society. A good many reservations are along the coasts, some on the Atlantic and some on the Pacific and some on the Gulf; one is on an island in Lake Michigan. They are scattered all over the country. One of the most important is off the coast of Louisiana.

Mr. ELSTON. The reason I asked the question is on account of a constituent of mine, Walter Hubbard, who is very much interested in this particular subject. He has written me many times, and he has been much interested in the statements of the gentleman from New York along these lines. He believes that there should be something done in the way of protection in the Laysan Islands, and he says that rabbits and rodents are very destructive to bird life there.

Mr. PLATT. There is a very interesting bulletin issued by the Biological Survey which tells about the islands of Laysan Reservation, upon one or two of which rabbits have been destructive.

The CHAIRMAN. The time of the gentleman from New York has expired.

[By unanimous consent Mr. PLATT's time was extended two minutes.]

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. PLATT. Yes.

Mr. SMITH of Michigan. Is all of this money appropriated to be used on national reservations?

Mr. PLATT. This is what the increase over the last appropriation was requested for.

Mr. SMITH of Michigan. A good many States have game-preserve laws, and I was wondering whether any of it was used in connection with the game laws of different States.

Mr. PLATT. This money is used to care for reservations belonging to the United States Government, and which are now imperfectly cared for and some not at all.

Dr. Nelson asked for an increase of \$15,000. The committee has given him an increase of \$5,000. He says that \$4,000 or \$5,000 are needed for fencing and improvements, almost necessary in the big game reservations. For instance, one Government game reservation—the Wind Cave Park—in South Dakota has a fence only on one side. It is not fenced on the other, and he says that a thousand dollars is needed there. It would seem axiomatic that if it is fenced on one side, it ought to be fenced on the other. Dr. Nelson tells of one of the other reservations—the Niobrara Reservation, in Nebraska—where if they could fence in a little more ground they would not have to feed the game in the wintertime. There is plenty of grazing outside, but they can not allow the herd to forage outside at will. They have to cut the forage and bring it in. It would seem to me that it would be good economy for the Government to increase this appropriation a little. The men of the Biological Survey have done wonders with the small amount of money at their command, but they have done it largely through the cooperation of the Audubon Societies and other help.

Mr. FESS. Have these reservations a utilitarian value?

Mr. PLATT. Unquestionably. If the gentleman will read the hearings of the Department of Agriculture upon the biological section he will find that since the passage of the bird migration law and the establishment of these refuges the number of wild fowl has greatly increased in certain portions of the country.

Mr. LEVER. Mr. Chairman, the estimates call for an increase in this item of \$15,000. The committee allowed \$5,000, feeling that that was sufficient in the present exigency for this purpose. I trust the amendment may be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I move to strike out the last word. The precise subject which I desire to discuss for a moment is not directly connected with the game mentioned in this paragraph, but it may be well described as a game, a kind of political game. We have had a number of debates in this House, and the country has speculated widely as to just what were the reasons which caused the result in the last election. I myself have been much puzzled about it. I have been particularly puzzled as to the results in California and in New Hampshire, but this morning for the first time I was enlightened by reading a paragraph which appeared in the Washington Post, giving the reasons for the results in California and in New Hampshire, in the form of an interview with a prominent Democrat of San Francisco. The title given to the interview is "Election credit to Daniels." Observe the word "credit" as used in this connection:

ELECTION CREDIT TO DANIELS.

"If any member of the President's administration is deserving of credit for winning the recent election, it is Secretary of the Navy Daniels," observed H. A. Brown, of San Francisco, at the Willard.

I am informed, Mr. Chairman, by a member of the California delegation that Mr. Brown is a well-known Democrat in California. He then proceeds:

"It is my belief that Secretary Daniels is responsible for the carrying of California and New Hampshire. In both States there are navy yards, and the Secretary of Navy piled work up in both. Thousands of men were given employment at Kittery, near Portsmouth, and for the first time since 1856 the city of Portsmouth went Democratic and the State of New Hampshire was carried by the Democrats by a plurality of less than 100. It was all because of the great number of Democrats that had gone into the navy yard there."

[Laughter.]

"So in California, the city of Vallejo, which has always been a Republican city, was carried by the Democrats because of the presence in the navy yard at Mare Island of thousands of men who were engaged in work that the Secretary of Navy had provided. California, we know, was carried by Wilson by a plurality of less than 4,000. Vallejo gave a Democratic plurality of something like 5,000. Had it been turned the other way the Republicans would have won in the State and Hughes would have been elected."

He closes the interview as follows:

"The Secretary of the Navy is some politician, in my opinion."

[Laughter.]

Mr. Chairman, I am not advised as to the truth or falsity of this accusation—I ought not to say accusation, but of this commendation, this eulogium upon the political ability of the Secretary of the Navy. If it is true, however, I say then that all honor and credit—of a sort—should be given to that statesman who makes use of his authority over the Navy to get votes for his Chief—his party.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. LONGWORTH. Yes.

Mr. BARKLEY. Is there a navy yard in Ohio? [Laughter.]

Mr. LONGWORTH. There is not, and, therefore, the Secretary of the Navy, Mr. Daniels, was not able to use his distinguished services in helping to carry that State.

Mr. BARKLEY. Notwithstanding the absence of a navy yard, we carried it by a large majority.

Mr. BENNET. Is it not true that Secretary Daniels assisted in carrying Ohio by refraining from making any speeches there? [Laughter.]

Mr. LONGWORTH. That I understand to be the real reason.

Mr. SLOAN. Will this statement come under the head of political "leaks"?

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HEFLIN. Mr. Chairman, the gentleman from Ohio [Mr. LONGWORTH] seems anxious to know why the Democrats carried the country in the last election. The success of the Democratic Party was the triumph of mind over matter. [Laughter and applause.] The gentleman objects to Secretary Daniels taking men and giving them employment in the navy yard. The Republican Party took negroes out of the South last fall and put them in West Virginia, Ohio, and Indiana to carry those States for the Republican ticket. [Applause.] Daniels with his men was engaged in a good cause, while the Republican Party with illegal negro votes was trying to defeat the will of qualified white voters in Northern States. This man Brown is a very intelligent man. Mr. Brown has been keeping up with the great work of Secretary Daniels. Admiral Dewey, who is the best authority on matters that pertain to the Navy, has praised the record of Josephus Daniels and practically said that he was the best Secretary that the Navy had had in many years. [Applause.]

Mr. LONGWORTH. Where did he say that?

Mr. HEFLIN. He said that before the election. I heartily endorse the statement. Secretary Daniels has cut out Republican graft and instituted more beneficial reforms than all the Republican Secretaries before him. Interests that sought to control him and failed have tried to belittle and destroy him. They used subsidized newspapers for that purpose, but they failed utterly. Wherever Josephus Daniels went in the recent campaign he helped the Democratic cause and enlightened even members of the Republican Party. [Applause on the Democratic side.] While you nominated your strongest man for President, he was an animated icicle with frost on his whiskers. [Laughter.] Ex-Congressman Fred Landis, of Indiana, has told, perhaps better than anybody else, just why the two strongest Republicans that could be found—your candidates for President and Vice President—were defeated. He said that in the opinion of the rank and file the country over neither Hughes nor Fairbanks belong to the human family. [Laughter and applause.]

The Clerk read as follows:

For all necessary expenses for enforcing the provisions of the act approved March 4, 1913 (37 Stats. L., pp. 847, 848), relating to the protection of migratory game and insectivorous birds, and for cooperation with local authorities in the protection of migratory birds, and for necessary investigations connected therewith, \$50,000.

Mr. DOOLITTLE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DOOLITTLE: Page 58, line 18, strike out semicolon and insert a colon and the following language:

"Provided, That no part of said sum shall be spent in the prosecution of any person or persons who may hunt, trap, or shoot migratory game and insectivorous birds in conformity with the laws of any State or Territory where such hunting, trapping, or shooting may take place."

Mr. LEVER. Mr. Chairman, I make a point of order against the amendment on the ground that it is a change of existing law. It repeals the law, really.

Mr. DOOLITTLE. Mr. Chairman, the amendment is a limitation on the expenditure of the \$50,000 carried in the bill. It reduces expenditures and is a limitation.

Mr. STAFFORD. Mr. Chairman, the gentleman can not invoke the rule of limitation if the limitation goes to the extent of repealing the law. This limitation in effect modifies existing law, so far as migratory birds are concerned, and therefore is subject to the point of order made by the gentleman from South Carolina.

Mr. LEVER. I was about to reinforce what the gentleman from Wisconsin said, that the rule of limitation is that the limitation must apply to the appropriation and not change law or involve additional duties upon the heads of departments, and the like of that.

The CHAIRMAN. The point of order is sustained.

Mr. DOOLITTLE. Mr. Chairman, I move to strike out the paragraph commencing on page 58, line 11, and down to and including line 18.

Mr. LEVER. Mr. Chairman, before the gentleman proceeds I would like to ask unanimous consent that the debate on the paragraph and all amendments thereto close in 10 minutes.

Mr. ANDERSON. Mr. Chairman, I do not think we ought to limit debate on this paragraph just yet.

Mr. LEVER. Well, I am ready to accede to the judgment of a member of the committee. I withdraw the request.

Mr. DOOLITTLE. Mr. Chairman and gentlemen of the committee, my purpose in making this motion to strike out the appropriation of \$50,000 is to prevent the enforcement of the law, which is, in my opinion, and which is in the opinion, I believe, of every lawyer on the floor of this House, an unconstitutional and unfair law. It will not be denied that the title to wild game is in the States, that it is not in the Federal Government or any individual. There is now pending in the Supreme Court of the United States a case appealed from the United States court in Arkansas which brings in point directly in the court of last resort the question of the constitutionality of this law. The court in Arkansas held the law to be unconstitutional. I believe the Supreme Court will also hold it to be unconstitutional, because I think, as a matter of law and as a matter of fact, it is unconstitutional. But, laying aside for the moment the question of the constitutionality of the law, it seems to me that the game laws of the different States of our country safeguard well and sufficiently the game of the country, and that those laws should be considered by Congress as sufficient protection for the wild game birds of the country. In central parts of the United States the regulations that have been laid down by the department under this Federal law have absolutely wiped out spring hunting of migratory birds, such as wild duck and geese. The game laws of all those States, so far as I know—and I know particularly of Kansas—are very strict in the protection of game and limit the hunting, shooting, and trapping of game and birds to very limited periods of time in the fall, and again in the early spring; and the season for shooting is closed before the breeding season comes on in the spring. If my amendment prevails, conditions will be improved without injury to anybody and without violence to the migratory game birds of the country, and the laws of the States will prevail.

Mr. BYRNS of Tennessee. Will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. BYRNS of Tennessee. The gentleman is familiar, I am sure, with the treaty which was entered into last August, I think, between this country and the Dominion of Canada, with reference to the protection of migratory birds and migratory game?

Mr. DOOLITTLE. I know there was a treaty of that kind.

Mr. BYRNS of Tennessee. I want to ask the gentleman if he does not think, in view of that treaty, which is the supreme law of the land as applies to this country, it is not entirely probable that Congress now has supreme authority to regulate the protection of migratory birds?

Mr. DOOLITTLE. I should not think so, unless the law is declared constitutional later.

Mr. BYRNS of Tennessee. The gentleman has referred to State laws upon the subject. If that be a proper construction, then I take it that Congress, of course, can assume authority regardless of any law that has been passed upon the subject by any State?

Mr. DOOLITTLE. I do not know what the legal effect of that will be on the constitutionality of the law. I think if it was constitutional to begin with it would remain so.

Mr. CARAWAY. Will the gentleman yield?

Mr. DOOLITTLE. Yes.

Mr. CARAWAY. Does not the gentleman know that that treaty has not been ratified?

Mr. DOOLITTLE. My impression is it has not been ratified. Mr. BYRNS of Tennessee. My impression is it had been ratified. Is the gentleman sure it has not been ratified?

Mr. DOOLITTLE. I am not sure; but I think it has not.

Mr. BYRNS of Tennessee. The reason I was so confident it had been ratified was because I had seen an opinion rendered upon that treaty as to its effect on State laws with reference to migratory birds.

Mr. DOOLITTLE. A copy of the treaty has been incorporated in a bulletin which has been sent out by the department.

Mr. BYRNS of Tennessee. I take it the department would not have sent the treaty out or incorporated it in a bulletin if it was not in actual effect.

Mr. DOOLITTLE. I do not know as to that.

Mr. BYRNS of Tennessee. My understanding was that it was ratified last August. Of course, that is a matter of record.

Mr. HOWARD. Mr. Chairman—

Mr. LEVER. One moment. Mr. Chairman, before the gentleman from Georgia proceeds, I ask unanimous consent that the debate on this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. The gentleman from South Carolina asks that the debate on this paragraph and amendments close in 10 minutes. Is there objection?

Mr. Sisson. I reserve the right to object.

Mr. LEVER. Then I ask unanimous consent, Mr. Chairman, that the debate on this paragraph and amendments thereto close in 20 minutes, the gentleman from Mississippi [Mr. Sisson] to have five minutes, the gentleman from Georgia [Mr. Howard] five minutes, the gentleman from Illinois [Mr. Mann] five minutes, and myself five.

Mr. RAKER. I would like to have five minutes.

Mr. LEVER. I hope to get through with this bill to-day. I modify it, then, Mr. Chairman, by making it 25 minutes, with the gentleman from California [Mr. Raker] included.

The CHAIRMAN. The gentleman from South Carolina modifies his request and asks unanimous consent that the debate on this paragraph and all amendments thereto close in 25 minutes. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Georgia [Mr. Howard] is recognized for five minutes.

Mr. HOWARD. Mr. Chairman and gentlemen of the committee, I think it would be a most unfortunate blow to the work that is being done by this bureau if this appropriation were to be stricken out. I believe that the protection of the migratory birds of this country under the act of 1910 has been of wonderful benefit to the entire country.

Now, I love to hunt about as well as the ordinary fellow. I am very fond of hunting. But I never did believe in the slaughter of birds. I presume there are a dozen men in this House now who can remember, and I also can remember when I was a little boy, how the wild pigeons used to migrate to the South in the fall of the year by the millions, and on account of the peculiar habits of those birds, especially their roosting habits, the people would turn loose upon them and would slaughter them by the hundreds of thousands, so that to-day the whole wild pigeon family, you might say, is extinct. There is not one in the world.

Now, a few years ago I used to go out in south Georgia and northern Florida duck hunting. In 1902, 1903, and 1904 the wild ducks absolutely became so scarce in the South in the dead of winter that you could hardly go out on the lakes and bag half a dozen in a day after a strenuous day's hunting. To-day they

are coming back into the South, ducks and geese, by the thousands. I may say further that I happened to be in the southern part of Georgia in November last, where we used to have millions of jacksnipes to shoot 15 or 20 years ago. It got to be a rare thing to see a jacksnipe in the South in the wintertime for the past several years. This fall they came in there again by the thousands. Woodcock also were almost extinct. That is a migratory bird. It nests in the North in the summer and comes down to the South in the winter. They are now coming down in large numbers.

Now, every State in the Union that I know of gives these sportsmen—not pothunters, like my friend from Kansas [Mr. DOOLITTLE]—but gives true sportsmen an opportunity to get some sport, to shoot these birds in some season when the birds are in their flight south. Now he complains because the folks in Kansas can not kill them on the spring flight. He wants to kill them going up and coming down both. He is not satisfied with the modest killing of game. He wants to be allowed to kill them coming down and also going back.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from Kansas?

Mr. HOWARD. Yes.

Mr. DOOLITTLE. We have laws in Kansas limiting the number you can shoot.

Mr. HOWARD. Yes; you have, but not half of you obey the law. You violate the law. The law provides that only so many wild ducks may be shot to the gun. You go out and take a boy along with you, and he carries a gun, and he could not hit the side of a house, and the man along with him who can shoot kills 50. That is the way they violate the law. [Laughter.]

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. HOWARD. Yes.

Mr. SMITH of Michigan. I was down town the other day and I met half a dozen men walking along the street, and each one of them had a couple of dozen ducks strung over his back. Do you think that that ought to be regulated?

Mr. HOWARD. Yes; and this law will regulate that. That is marketing game. I understand my friend from New York [Mr. PLATT] misses more than he hits. [Laughter.] But I do not think the man who can not kill one ought to be in favor of depriving another man of the privilege of eating one. [Laughter.]

Mr. PLATT. If the gentleman will permit me, I never hunt with a gun. I hunt with a spyglass and I never miss. [Laughter.]

Mr. HOWARD. I understood the gentleman never kills a bird, and that is why I made the remark, and I commend his method of hunting as most economical.

Gentleman, I hope this law will not be butchered. I hope we will appropriate more money for its enforcement than is now appropriated. It is doing good. It is building up our game supply in this country. We have got more game under this law than we have ever had in recent years, and I hope the amendment will not prevail. This law is in the hands of the most conscientious and efficient administrators and they should be encouraged in their splendid efforts.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. MILLER of Pennsylvania. Mr. Chairman, I agree with the gentleman from Georgia [Mr. HOWARD] that instead of this appropriation being abolished or reduced it should be increased. I have an opinion of a man who owns a dog and a gun and spends his time going over the country shooting insectivorous birds and small animals.

We used to have plenty of quail, "Bob White," and as soon as the open season comes in very many owning a dog and gun start out and kill them. My opinion is that one "Bob White" is worth about a score of those fellows that hunt them and try to kill them. [Laughter.] I believe we should increase the appropriation rather than reduce it.

Mr. DOOLITTLE. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Pennsylvania. Yes; I will yield to the gentleman, but I am not sure that I can hear him.

Mr. DOOLITTLE. I want to ask the gentleman if he would call a quail a migratory bird?

Mr. MILLER of Pennsylvania. Certainly. It does not stay all the time in the same place. It may go from part of our State to another part of it, and I have no doubt it gets out into New Jersey now and then.

A MEMBER. Would the gentleman call a wild duck an insectivorous bird—would he?

Mr. MILLER of Pennsylvania. It is a game bird. What does a man want to shoot a bird for anyway—a man that is educated, that has got a mind and a soul; a man that has got intelligence, whose father has spent thousands of dollars in educating him—what does he want to go out and kill something for? [Applause.]

A MEMBER. Roosevelt! [Laughter.]

Mr. MILLER of Pennsylvania. I have my opinion of a man who has a dog and spends his time in hunting. That fellow and his dog ought to be killed and the birds ought to be preserved. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. SISSON. Mr. Chairman, I am not going to discuss the necessity for this law. I have no objection to migratory game being protected, but I do not believe the wildest stretch of the most liberal constructionist of the Federal Constitution can find any excuse at all for this law.

On the contrary the Constitution specifically prevents the confiscation of property by the Federal Government except by due process of law.

On every occasion when the question of birds or animals, *feræ naturæ*, has been before the Supreme Court of the United States, that court has held that they are the property of the people of the States.

Mr. DAVIS of Texas. Will the gentleman yield?

Mr. SISSON. Not now. I have only five minutes, and I want to state my objection to this paragraph of the bill. The only way in which an individual ever gets title to birds or animals, *feræ naturæ*, is either by reducing them to captivity or by bringing them to the ground. The court having repeatedly decided that all such animals and game belong to the people of the States, the Federal Government in the act creating this law said that the title to this property should be vested in the Federal Government, thereby divesting the people who have always owned that property, and taking away from the people of the States that which they own, as has been repeatedly decided by the Supreme Court of the United States. Therefore, when the Supreme Court of the United States passes upon this question, I do not believe a majority of that court will go to the extent of saying that Congress by its act can take away from the people their property and vest the title in the Government of the United States, and that is exactly what that law attempted to do when it was passed. I have never voted for this appropriation in this bill. I opposed the passage of the law when it was proposed by Mr. WEEKS, of Massachusetts, now a member of the Senate. For that reason I do not believe that this item in this appropriation bill ought to remain in the bill, but the committee ought to vote it out.

Mr. MANN. Mr. Chairman, will the gentleman yield for a question?

Mr. SISSON. I will if I have the time.

Mr. MANN. Admitting for the sake of the argument the gentleman's position, does he think that the treaty just proclaimed between the United States and Great Britain, controlling the migration of birds between this country and Canada, would be invalid?

Mr. SISSON. I do.

Mr. MANN. Under the treaty-making power?

Mr. SISSON. I do. The first time that matter was called in question was when Washington was President, and a young Representative from the State of Pennsylvania called the matter in question. The language of the Constitution, saying that a treaty shall be the supreme law of the land, has never been construed by the Supreme Court, or by any subordinate court, to mean that it can supersede the Constitution, and the treaty-making power is limited in the instrument to the specific grant of power to the Federal Government over which it has jurisdiction. Therefore the Congress of the United States has no right to enter into a treaty that the Federal Government had not the power delegated to it to control. If it could do that, and that language in the Constitution should receive any other construction, then under the treaty-making power you could literally destroy the Government through the Executive and a bare majority in the Senate.

Mr. MANN. Mr. Chairman, I was to have five minutes, and I ask that the gentleman from New York [Mr. PLATT] be recognized in my stead. He knows more about birds than all the rest of us.

Mr. PLATT. Mr. Chairman, I thank the gentleman from Illinois for giving me his time and for his complimentary words in regard to my knowledge of birds. It is not nearly as extensive as it might be. I want to say, though, that there is quite a good deal of confusion of mind over the migratory-bird law. It does not apply to quail, or to grouse, or to prairie chickens, or to many other birds that are not migratory. Quail, as I under-

stand it, very rarely fly more than 10 or 12 miles from home. That is according to the testimony of those who know most about that bird. The migratory-bird law applies only to birds which nest in one part of North America and make their winter homes in another part of North America, or many of them in South America or Central America. How those birds can be considered to be the property of anybody over whose land they happen to fly, or where they happen to spend the night resting, when they go on the next day, I do not, for my part, understand. Nearly all the migratory game birds nest in Canada, and the Canadians could destroy the whole lot of them, except a very few that nest along our northern border, if they wanted to do so.

The insectivorous birds, the warblers and smaller birds, a great many of them also nest in Canada, though many, of course, nest in the United States. A considerable number of our birds spend their winters in South America, and most of the routes of migration have been mapped out. We know now almost exactly what routes many of them follow, how they get to South America, and where they winter when they get there. There are a few common birds which seem to disappear in the winter. For instance, the common chimney swift is a bird whose winter home has never been found. It goes down to the coast of the Gulf of Mexico and flies off over the Gulf, and nobody knows what becomes of it. Even our friend, Col. Theodore Roosevelt, who has explored South America, has never been able to find the winter home of the chimney swift there. It goes off in that direction somewhere and disappears as completely as if it dropped into the sea. There are several other such mysteries as that, but as to a great many birds it is known just where they go, and just when they come and when they go. There are some 300 or 400 people throughout the United States who are reporting to the Biological Survey the dates of the arrival and departure of the birds every year, so that the Biological Survey is able, through these voluntary observers, to keep track of our useful birds, and the speed they make, and some very interesting things have been worked out from these reports by the late Prof. Cooke.

As I have said, migratory game birds mostly nest in Canada, and Canada could destroy them all. They do not belong to us. They fly over the United States. Many of them winter along the Gulf, and there are some bird reservations where they get a certain almost complete protection. It is the testimony of everybody who has watched the matter that certain of these wild fowl and game birds have increased considerably since the passage of the migratory-bird law, and that is true also of a good many of the smaller birds. During last summer, for instance, in my part of the country a great many people became interested in birds, because for the first time they saw the scarlet tanager, a beautiful, bright-colored bird, which looks almost tropical in the colors of its plumage. That bird began to appear in the cities. People had never seen it before. A number of people called me up on the telephone to know what that bright-colored bird was which they saw in the streets. It is a bird that was rarely seen in the streets before, although not uncommon in the country. Its numbers have undoubtedly increased considerably during the past year. It is a bird probably that used to be shot for its plumage on account of its brilliancy of color. Unless some migratory-bird law is enforced, a great many of our birds will become extinct. While they spread over a very large territory in summer, in the winter some of them mass together so that they can be killed very easily, almost without shooting them. They are dependent upon the migratory law and upon bird sanctuaries for protection. As the gentleman from Illinois [Mr. MANN] indicated, a treaty has recently been negotiated with Canada, a bird-migration treaty, by which Canada agrees to protect the birds at nesting time in the north and the United States agrees to protect them as they fly over and as they may stop on our territory to winter. It seems to me common sense and good judgment that the legislation the treaty will need should be carried out, and must appeal to everybody. It is impossible, it seems to me, that the Supreme Court can find it unconstitutional.

Mr. RAKER. Mr. Chairman, the questions can be answered readily, it seems to me. In the first place, as to the treaty between the United States and Great Britain, Series No. 628, of August 16, 1916; was ratified and advised by the Senate August 29, 1916; ratified by the President September 1, 1916; by Great Britain October 20, 1916. Ratifications exchanged at Washington December 7, 1916, and proclaimed December 8, 1916. Certain courts have held that this law is unconstitutional, others holding that it is constitutional; the case is now pending on appeal in the Supreme Court of the United States. The same fight was made a year ago when the Agricultural appropriation bill was up and was being considered

on this item. It is moved now to strike out the entire item. The law is enforceable, it is being enforced, and it is the judgment and wisdom of Congress that it should be enforced, and it seems to me that no Member of the House or of the committee should attempt to break down this proper and beneficial legislation or attempt to defeat its operation. The only way to enforce it is by making the proper appropriations so that the Agricultural Department can enforce it pending the decision by the Supreme Court of the United States. The protection of the wild life of this country should be provided. It has already been neglected too long.

Mr. OVERMYER. Will the gentleman yield?

Mr. RAKER. Yes.

Mr. OVERMYER. Under that treaty there will be no more duck shooting north of the Rio Grande. The only objection that the people of Ohio have is that it entirely prevents any spring duck shooting in our country, and that is the only season of the year when we have any wild ducks.

Mr. RAKER. The point is we have the law and we have the treaty. It has been enforced, it is being enforced, and should be continued. It has been decided to be constitutional by a number of courts. Only two have decided it unconstitutional. It is now before the Supreme Court of the United States. It is a great advantage to this country to protect the migratory birds. We have 69 bird reservations that belong to the Government, and the Government is expending its money, large sums at that, on these reserves, and why should Congress defeat this law by declining to appropriate money to carry it into operation. I am opposed to creating bird reserves, though, out of good agricultural land fit for farming, like some 60,000 acres of the lower Klamath, Cal. and Oreg. But where bird reserves can be properly created and the migratory birds and wild life preserved, it should be done. Congress should see that sufficient funds are appropriated for this purpose. Likewise it should enact a law to fully carry out the provisions of the treaty between the United States and Great Britain that I have just referred to.

As to the economical value of it, of course there can be no argument against it; the only question is whether certain localities shall have the right to get the game as it goes there and rests but a short time. This preservation of migratory birds means much to the food products of this country. Everybody who lives on the frontier knows what has been done for the last 10 or 15 years in regard to destroying the wonderful wild life that was valuable for food products in this country. Everybody knows that before the passage of this law migratory birds and their preserves were being eliminated. There are 69 bird preserves now maintained by the Government, and we should not now undertake to destroy the last vestige when the Government is trying to maintain this wonderful product of so much meat value to the people. The House has heretofore refused to strike out this item, and I hope it will do so now, because the law is right and should be enforced, and further, because the whole matter is now in the hands of the Supreme Court for decision and final determination. It is the law, and enforceable and should be enforced, and ample provisions made therefor until determined otherwise. The motion to strike out the paragraph should be defeated, and I have great confidence that this will be the deliberate judgment of the committee.

Mr. LEVER. How much time is remaining, Mr. Chairman?

The CHAIRMAN. Four minutes.

Mr. LEVER. I would like to have the gentleman from Ohio [Mr. OVERMYER] use one minute, and then the gentleman from California one minute.

Mr. OVERMYER. Mr. Chairman, I can hardly be expected to say what I wanted to say in one minute's time. The people in Ohio are as much interested in the enforcement of the migratory-bird law as the people of any other State. But the effect of enforcing that law is to deprive our people in Ohio entirely of any wild-duck shooting, because the only time we have any wild ducks is during the time of year when shooting is prohibited by the operation of this law. The gentleman from Georgia [Mr. HOWARD], who said that we wanted to murder wild ducks by wholesale, is mistaken, because the effect of this law is that the millionaires of the country who can form private clubs in the South can have the duck shooting and go to that section of the country where the ducks are wintering. The boys in our country who can only go hunting a day at a time never have any duck hunting at all.

Mr. KENT. Mr. Chairman, the migratory-bird law reminds me that we are a Nation and not an aggregation of States. As a Nation we are interested in the preservation of our birds, and if certain States can not get their share of the bird killing under this kind of legislation, that is hard luck for those States; but the main thing is for us to legislate as national legislators so that the birds will be preserved.

I have been a hunter all my life and I have been, early in my life, what is known as a game hog. I thank the Lord that I have seen the light and have cut out spring shooting and have no desire to have anything more of that sort of special or detrimental privilege under the laws of this Government. I believe our migratory-bird law is framed in the interest of the whole Nation, and it ought to be carried out, and it is my hope and belief that the Supreme Court may find this necessary legislation constitutional.

Mr. LEVER. Mr. Chairman, I ask for a vote.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

DIVISION OF ACCOUNTS AND DISBURSEMENTS.

Salaries, Division of Accounts and Disbursements: One chief of division and disbursing clerk, \$4,000; 1 supervising auditor, \$2,250; 1 cashier and chief clerk, \$2,370; 1 deputy disbursing clerk, \$2,120; 1 accountant and bookkeeper, \$2,000; 2 clerks, class 4; 4 clerks, class 3; 6 clerks, class 2; 5 clerks, class 1; 4 clerks, at \$1,000 each; 3 clerks, at \$900 each; 1 messenger, \$720; 1 messenger or messenger boy, \$600.

Mr. COX. Mr. Chairman, I make the point of order against the figures "\$2,370," in line 5, page 59, and against the figures "\$2,120" in the same line.

Mr. LEVER. Mr. Chairman, I concede both points of order and offer the following amendments which I send to the desk and ask to have read.

The Clerk read as follows:

Line 5, page 59, in lieu of "\$2,370" insert "\$2,250," and in lieu of "\$2,120" insert "\$2,000."

The CHAIRMAN. The question is on agreeing to the amendments offered by the gentleman from South Carolina.

The question was taken, and the amendments were agreed to.

Mr. TILSON. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the committee a question respecting the custodian of records and files. Heretofore there has been carried an appropriation for one custodian of records and files.

Mr. LEVER. Mr. Chairman, by recommendation of the department, the title of that gentleman was changed to one clerk of class 2.

Mr. TILSON. Then he appears now simply as a clerk?

Mr. LEVER. Yes; at the same salary.

The Clerk read as follows:

DIVISION OF PUBLICATIONS.

Salaries, Division of Publications: One editor, who shall be chief of division, \$3,750; 1 editor, who shall be assistant chief of division, \$2,500; 1 chief clerk, \$2,000; 2 assistant editors, at \$2,000 each; 4 assistant editors, at \$1,800 each; 1 assistant editor, \$1,600; 1 assistant editor, \$1,400; 1 assistant editor in charge of indexing, \$2,000; 1 indexer, \$1,400; 1 assistant in charge of illustrations, \$2,220; 2 draftsmen or photographers, at \$1,600 each; 2 draftsmen or photographers, at \$1,500 each; 3 draftsmen or photographers, at \$1,400 each; 1 draftsman or photographer, \$1,300; 8 draftsmen or photographers, at \$1,200 each; 1 assistant photographer, \$900; 1 lantern-slide colorist, \$840; 1 assistant in charge of document section, \$2,100; 1 assistant in document section, \$1,800; 1 assistant in document section, \$1,400; 1 foreman, miscellaneous distribution, \$1,500; 1 clerk, class 3; 1 clerk, class 2; 11 clerks, class 1; 16 clerks, at \$1,000 each; 40 clerks, at \$900 each; 18 clerks, at \$840 each; 2 skilled laborers, at \$900 each; 7 skilled laborers, at \$840 each; 4 skilled laborers, at \$780 each; 1 chief folder, \$1,200; 17 skilled laborers, messengers, or messenger boys, at \$720 each; 1 skilled laborer, \$720; 1 folder, \$1,000; 2 folders, at \$900 each; 2 skilled laborers, at \$1,100 each; 1 skilled laborer, \$1,000; 2 messengers, at \$840 each; 3 messengers or messenger boys, at \$600 each; 2 messengers or messenger boys, at \$480 each; 2 messengers or messenger boys, at \$420 each; 2 messengers or messenger boys, at \$360 each; 1 laborer, \$840; 2 laborers, at \$600 each; 3 charwomen, at \$480 each; 3 charwomen, at \$240 each; in all, \$182,390.

Mr. COX. Mr. Chairman, I make the point of order on the figures "\$3,750" in line 14, page 59, and also upon the figures "\$2,220" in line 20, page 59, and on the figures "\$2,100" in line 1, page 60.

Mr. LEVER. Mr. Chairman, I will concede the point of order.

Mr. STAFFORD. Mr. Chairman, will the gentleman withhold his point of order on the first item for a moment?

Mr. COX. I am going to make it. I will withhold it, however.

Mr. STAFFORD. I would like to inquire whether we did not increase the salary of the editor of publications last year, and if so how much?

Mr. LEVER. I think we increased this about \$250 last year.

Mr. STAFFORD. I would like to inquire whether there was any estimate made for an increase above the salary now carried of \$3,500?

Mr. LEVER. There was not.

Mr. STAFFORD. Then the committee takes it upon itself to increase salaries that are not estimated for.

Mr. LEVER. The committee ordinarily does not, but the committee is not subservient to the judgment of the Department of Agriculture.

Mr. STAFFORD. I do not say that the committee should be subservient to the judgment of the Department of Agriculture, but it is almost an invariable rule that committees having charge of salaries of officials connected with the departments will not increase the appropriations for salaries unless they are recommended by the departments.

Mr. LEVER. That is very true, and yet yesterday complaint was made that we did not promote certain people who were not estimated for. The gentleman will recall that.

Mr. STAFFORD. That was as to the general horizontal increase by reason of h. c. l.

Mr. FOSTER. What is h. c. l.?

Mr. STAFFORD. Oh, everyone knows about that who has a home to provide for, or who has to pay his board bill at a hotel.

Mr. LEVER. Mr. Chairman, I will say to the gentleman that the committee on its own motion, recognizing the peculiar work of this gentleman and his peculiar qualifications and his very great fairness in dealing with Members, for it is through him that we get our documents and bulletins, and the like of that, took it up themselves to increase his salary.

Mr. STAFFORD. His worth was not recognized by the head of the department, however.

Mr. COX. Mr. Chairman, I make the point of order.

Mr. LEVER. Mr. Chairman, I concede the point of order, and I offer the following amendments:

On page 59, line 14, insert in lieu of the figures "\$3,750" the figures "\$3,500."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 59, line 14, in lieu of "\$3,750" insert the figures "\$3,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LEVER. On the same page, line 20, after the comma in that line, insert the figures "\$2,100" instead of the figures "\$2,220."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 20, in lieu of "\$2,220" insert "\$2,100."

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The question was taken, and the amendment was agreed to.

Mr. LEVER. On page 60, line 1, at the end of the line, insert the figures "\$2,000" in lieu of those that have been stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 1, after the word "section" insert the figures "\$2,000."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. CANNON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question or two about something that I do not understand. I refer to the News Letter. That is edited by people who are employed under this appropriation, as I understand it?

Mr. LEVER. No; that News Letter is conducted by a gentleman carried on the roll of the Secretary named Wharton.

Mr. CANNON. As a foundation for asking a few questions, I will be glad to have the Clerk read the article which I have indicated here under the head of "Home economics funds."

The Clerk read as follows:

HOME ECONOMICS FUNDS—THREE-FOURTHS OF A MILLION DOLLARS AVAILABLE FOR EXTENSION WORK AMONG FARM WOMEN.

That the carrying into effect of the provisions of the cooperative extension act has had widespread influence in bringing the knowledge and information of the State colleges of agriculture to women on the farms is evident from the following statistical statement:

"During 1914-15 the total amount spent in home-economics demonstrations was slightly over \$320,000, while in 1916-17 over \$750,000 was allotted to this work, an increase of over 130 per cent in two years. This money was derived from the United States Department of Agriculture, the State colleges of agriculture, Federal and State cooperative extension act funds, and county and other local sources. In 1916 the allotment of funds for extension work for farm women was derived from the following sources: One hundred and seven thousand dollars from funds appropriated directly to the United States Department of Agriculture, \$260,000 from Federal extension act funds, \$120,000 from State extension act funds, \$32,000 from direct State appropriations in addition to the amount appropriated by the State to offset the Federal cooperative extension funds, \$178,000 from county appropriations, and \$80,000 from college and other miscellaneous sources.

A part of this money was used to employ women county agents. The number of counties with women agents has increased during the last three years from 279 to 478. In addition there were employed a large number of home-economics specialists and supervising agents having a field larger than the county. In 1915-16 the total number of home-economics extension workers was 600, of whom 350 were women county agents, the others being the supervising agents and home-economics extension specialists of the State colleges.

Mr. CANNON. Now, I have made a rough calculation here that from the Agricultural Department, under the extension act, the expenditure was \$352,000; from direct State appropriations, \$152,000; from county appropriations, \$250,000; and from college and other miscellaneous funds, \$80,000. This is accompanied by a table giving the expenditure in various years. Take the expenditure for the current year, for instance, the year 1916-17, of \$755,000, and I find that in 30 States—and I may say that includes probably two-thirds of the population—the expenditure was \$155,000 and in 15 States \$601,000. I have been looking through this bill to see by what authority of law these expenditures were made. It may be that it is all correct and proper, and yet as I glance through the extension law it seems to me that the apportionment is to be made according to rural population. Am I correct about that?

Mr. LEVER. The gentleman is correct about that. I will say this to the gentleman, that I have an idea the reason that 30 States are spending certain amounts of money for home economics and the other States are not doing so, may be due to the fact that those States in which no money is being expended for home economics have not desired that that money be expended for that purpose. The gentleman will recall that the provisions of the Agricultural extension act require that the moneys shall be expended upon projects agreed upon in advance by the agricultural colleges of the State and the Federal Department of Agriculture. It is entirely possible that the 30 States—in fact, I am sure it is a fact—have themselves requested, and that request has been agreed to here in Washington, that certain sums out of those funds shall be used for the teaching of home economics, while the others have not done so.

Mr. CANNON. Still, how can you change the provisions of the law by an agreement between the Agricultural Department and a State or States?

Mr. LEVER. The gentleman did not quite catch the meaning of the explanation I tried to make. A State in agreement with the Federal department may spend all the appropriation allotted to it under the extension law for extension work and none of it for home economics at all, or it may spend all of it for home economic work and none of it for extension work. But the proportion of the amount that shall go to one class of work and the proportion that shall go to another class of work is a matter of agreement between the extension league of the State and the Agricultural Department, and that is how you get your difficulty.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. CANNON] has expired.

Mr. LEVER. If the gentleman desires more time, I will ask it.

Mr. CANNON. I do not desire any more except to find out what the facts are.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent that the time of the gentleman from Illinois may be extended for five minutes. Is there objection?

There was no objection.

Mr. LEVER. Does that make it clear to the gentleman?

Mr. CANNON. Any report I have been able to find does not make it clear. But if there be under the law, and under any proper construction of the law, a waiver upon the part of some of the States that have not used the money that comes to them under the provision of the law, I have nothing further to say.

Mr. LEVER. Any State may waive its share of this money by refusing to meet the appropriations of the Federal department by State appropriation, except \$10,000, which is appropriated outright and unconditionally to each State. But I have no idea that any of these funds have been waived, as would appear from the statement of the gentleman from Illinois. What has happened is about this, and let me illustrate by citing my own State. We will say that the extension fund of the Federal Government to South Carolina is \$100,000 for the purposes of teaching agriculture by the extension method and teaching home economics. Now, it is entirely possible and it is entirely in order under the law that not 1 cent of that \$100,000 would be used in South Carolina for the teaching of home economics, but all of it would be used for the teaching of agriculture through the extension method.

Mr. CANNON. The gentleman, it seems to me, has answered the question that was running in my mind.

Mr. LEVER. I am very glad to have been able to do so.

Mr. CANNON. I have failed to catch on to the law as it is in any report I have been able to find, but the explanation of the gentleman, it seems to me, is satisfactory.

Mr. LEVER. I am sure what I have said is correct.

Mr. MADDEN. Will my colleague yield to me?

Mr. CANNON. Certainly.

Mr. MADDEN. I do not think the gentleman has made any answer to the question at all, because, if I understood the statement of my colleague, it was to this effect, namely, that out of \$755,000 used during the current fiscal year only \$106,000—

Mr. CANNON. One hundred and fifty-five thousand dollars to 30 States that have over two-thirds of the population.

Mr. MADDEN. And the remaining part of the \$755,000, \$600,000, has been used in 18 States with one-third of the population.

Mr. LEVER. That might be possible, and still my statement covers it.

Mr. CANNON. That is what I said and that is what the statement shows.

Mr. MADDEN. The answer of the gentleman from South Carolina to my colleague was just the opposite.

Mr. LEVER. The gentleman is mistaken. I mean to say the total fund from the Federal Treasury to give to the States to teach home-economics work and to teach agriculture by extension methods. The States, then, and the Federal Government work together and apportion the fund between themselves, say, 75 per cent for home economics and 25 per cent for agricultural extension work. It is a matter of choice with the State largely, and was deliberately made so in the law.

Mr. CANNON. Mr. Chairman, I have some other facts that perhaps would be apt under another pending bill, but I ran across this, and I thought I would ask what the explanation was.

Mr. LEVER. I hope I have made it clear to the gentleman.

The Clerk read as follows:

For photographic equipment and for photographic materials and artists' tools and supplies, \$17,000: *Provided*, That hereafter the Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films; all moneys received from such rentals or sales to be covered into the Treasury of the United States as miscellaneous receipts.

Mr. COX. Mr. Chairman, I reserve a point of order, particularly on the proviso.

Mr. STAFFORD. Mr. Chairman, I want to reserve a point of order if the gentleman does not.

Mr. COX. What I want is a brief explanation of what the purpose is.

Mr. LEVER. The purpose of the new language, the proviso, is to enable the department, with the approval of the law, to loan to educational institutions motion-picture films for use in their work. The department has been experimenting somewhat in the last two years as to the value of motion-picture shows in the teaching of agriculture in certain of the large agricultural schools and colleges of the country, and they have insisted that the work is very helpful.

Now, a great many of these institutions are requesting either that they be given these films by loan or that they be permitted to purchase them at the cost of production.

Mr. COX. One more question: Has the department heretofore sold any of these films or loaned them?

Mr. LEVER. No.

Mr. COX. Then, this is a new departure?

Mr. LEVER. Yes.

Mr. COX. Would the gentleman be willing to strike out the word "hereafter"?

Mr. LEVER. I do not object.

Mr. COX. Then I would only make the point on the word "hereafter," and let the department try it.

Mr. STAFFORD. I understand the department wishes to go into the business of making photographic films to supply the trade or institutions throughout the country, and I suppose that is the purpose of the increase from \$6,000 to \$17,000 in this item.

Mr. LEVER. Part of the increase goes to that work.

Mr. STAFFORD. Substantially \$10,000 of it is for that purpose.

Mr. LEVER. Ten thousand dollars. The gentleman is right. The department desires to be permitted to loan films to institutions of education that are interested in agriculture.

The department, as I said in answer to the question of the gentleman from Indiana [Mr. Cox], has been for a few years doing some work in the way of teaching agriculture with the use of moving pictures. It is not intended, of course, to go into this matter on a very large scale; but the statement was made to the committee that the manufacture of motion-picture films is a rather expensive thing, and that many of the educational institutions engaged in teaching agriculture are very anxious to have some of these films, either by loan or sale, they not being able themselves to manufacture them. That is the purpose of it, frankly.

Mr. HELGESEN. But, Mr. Chairman, not only that, but the demands for these films have become so numerous that they have not got them to loan, and so they propose to make them and sell them and turn the money back into the fund.

Mr. STAFFORD. That is to say, they are going into the business of manufacturing films for sale?

Mr. LEVER. Not for the public generally, but for educational institutions.

Mr. STAFFORD. There is no limitation as to whom they may sell or rent them. They may be sold or rented generally.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Yes.

Mr. FESS. I happen to know of one institution that wanted to borrow the film that shows the development of the sardine from the time that the herring is taken out of the Passamaquoddy Bay until it goes to market as a sardine. This institution wanted to study that particular phase of the food problem. It made application, as I happen to know, to the Department of Agriculture for the rental of it, purely for the sake of showing it to the school.

Mr. STAFFORD. I think there should be some limitation on this proviso to educational institutions, and not allow the department to go into the business of manufacturing films and selling them to the trade generally—to all who may apply.

Mr. LEVER. Would the gentleman be satisfied with that if we should insert after the word "films" the words "to educational institutions only"?

Mr. STAFFORD. Yes. Let us try it out with that limitation.

Mr. LEVER. I think the committee has no objection to that.

Mr. WILSON of Illinois. Why not say "for educational purposes"?

Mr. STAFFORD. Every film is claimed to be for educational purposes, especially films of this character.

Mr. WILSON of Illinois. Only such institutions want them.

Mr. STAFFORD. Then I suppose every moving-picture house could apply to the department. We are not going into the business of manufacturing films.

Mr. HAWLEY. Mr. Chairman, before the gentleman from South Carolina agrees to that limitation—

Mr. LEVER. I have not agreed to it—

Mr. HAWLEY. We ought not to confine it to educational institutions strictly, because some institution engaged in dairy work or some other agricultural institution might want the films to illustrate their work above all others.

Mr. LEVER. I will remark, if my colleague will permit me, that the broad interpretation of the term "educational institution" would cover the situation that he has in mind.

Mr. HAWLEY. I doubt it very much. An educational institution is a very well defined term.

Mr. LEVER. If the gentleman from Wisconsin [Mr. STAFFORD] will permit me, I do not think there is going to be any abuse of this privilege. Let us strike out the word "hereafter" and see what takes place.

Mr. STAFFORD. Oh, I have been here too long not to know how rapidly these things grow and how the departments wish to increase their work.

Mr. LEVER. Let us see what it is next year.

Mr. STAFFORD. It might then be considered as a work in progress.

Mr. COX. Strike out the word "loan." Make them pay for it.

Mr. LEVER. Mr. Chairman, if the gentleman will withdraw his objection, I will submit this amendment: "to educational institutions only."

Mr. MADDEN. I suggest that we add this to it, if the gentleman will give consideration to it: "and not organized for profit."

Mr. LEVER. Yes; "not organized for profit." I am willing to accept that; that is, a public institution.

Mr. HELGESEN. How about the National and State agricultural bureaus? They are not strictly educational institutions.

Mr. LEVER. I think they would be so construed. If the gentleman from Wisconsin withdraws his point—

Mr. STAFFORD. What is the proposed amendment?

Mr. LEVER. "To educational institutions only, and not organized for profit."

Mr. STAFFORD. That is acceptable.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from South Carolina.

The Clerk read as follows:

Amend, page 61, line 4, by striking out the word "hereafter," and at the end of line 6, following the word "films," insert the words "to educational institutions, not organized for profit."

Mr. HAWLEY. Would the gentleman object to inserting in the amendment he proposes these words, "or associations engaged in agricultural education"?

Mr. LEVER. No; I think that is perfectly proper. Let them be stated to the Clerk and become a part of my amendment.

Mr. HAWLEY. "Or associations engaged in agricultural education."

The Clerk read as follows:

Or associations engaged in promoting agricultural education.

The CHAIRMAN. Will the gentleman incorporate that as a part of his amendment?

Mr. LEVER. Yes.

Mr. MADDEN. Now, let us have it reported, so that we can see how it will read.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 61, line 4, by striking out the word "hereafter" and inserting after the word "films," in line 6, the following: "to educational institutions only, not organized for profit, or associations for agricultural education."

Mr. MADDEN. The words "not organized for profit" ought to follow the two propositions and be the last words in the amendment.

Mr. LEVER. That is a good suggestion. Let those words "not organized for profit" come at the end.

The CHAIRMAN. Without objection, the Clerk will make that transposition.

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

General expenses, Bureau of Crop Estimates: For all necessary expenses for collecting, compiling, abstracting, analyzing, summarizing, and interpreting data relating to agriculture; for making and publishing periodically crop and live-stock estimates, including acreage, yield, and value of farm products, as follows: *Provided*, That hereafter the Monthly Crop Report shall be printed and distributed on or before the 12th day of each month.

Mr. STAFFORD. I reserve a point of order on the proviso. I should like to inquire the purpose of placing that limitation on the activities of the department in the publication of the monthly crop report. Can you not depend on the department heads to get out the publication as soon as they can, at a time when it will be of the most service to its readers?

Mr. LEVER. The fact is, Mr. Chairman, that the department itself has found a great deal of difficulty in getting its crop reports printed at all at the Government Printing Office, in time to be of any value, during the months in which they are issued. The department, in delicate and diplomatic language, asked that this proviso be inserted here for the purpose of compelling the Printing Office to print these monthly crop reports within a reasonable time, which we understand they have not been doing heretofore. That is the real purpose of it.

Mr. STAFFORD. Mr. Chairman, I make the point of order on the proviso.

Mr. LEVER. I concede it.

The CHAIRMAN. The point of order is sustained.

Mr. FESS. I have heard a good deal of criticism in my own community about the accuracy of these crop reports. How much reliability have they?

Mr. LEVER. I will say to the gentleman from Ohio that I have not looked into the matter of the accuracy of the department's estimates on grain within the last 12 months. I am not familiar with them. I am familiar with the bureau's estimates on cotton. I think during a period of some 10 years they have been out of line with the actual facts as disclosed by the commercial movement not over 1½ or 2 per cent. Sometimes they overestimate a little and sometimes underestimate a little. I think their last year's report was within 1 per cent of accuracy.

Mr. FESS. I had a conversation with one of our large grain dealers, and I quoted to him the crop reports, and he said that they were not reliable. I was wondering whether this statement had any foundation.

Mr. LEVER. I will say frankly to the gentleman that I am inclined to doubt whether the department has developed its machinery for gathering statistics on cereals as well as it has for gathering statistics on cotton. I wonder if that is not the judgment of other members of the committee? I can not say, certainly just how accurate the reports are on grain. I have a pretty fair idea about cotton.

Mr. HELGESEN. Their statement to the committee is that they are seldom off more than 3 per cent.

Mr. LEVER. That is pretty close.

The Clerk read as follows:

Salaries, library, Department of Agriculture: One librarian, \$2,200; 1 clerk, class 3; 1 clerk, class 2; 5 clerks, class 1; 3 clerks, at \$1,080

each; 3 clerks, at \$1,020 each; 4 clerks, at \$1,000 each; 7 clerks, at \$900 each; 1 clerk, \$840; 1 junior library assistant, messenger, or messenger boy, \$720; 1 junior library assistant or messenger boy, \$660; 3 junior library assistants or messenger boys, at \$600 each; 1 messenger, messenger boy, or laborer, \$480; 2 charwomen, at \$480 each; in all, \$33,260.

Mr. FOSTER. Mr. Chairman, I make the point of order on line 25, page 62, on the figures "\$2,200."

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. In place of the figures stricken out I move to insert "\$2,000."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 62, line 25, strike out "\$2,200" and insert "\$2,000."

The amendment was agreed to.

The Clerk read as follows:

STATES RELATIONS SERVICE.

Salaries, States Relations Service: One director, \$4,500; 1 chief clerk, \$2,120; 1 financial clerk, \$2,120; 1 clerk or proof reader, \$1,800; 3 clerks, class 4; 3 clerks, class 3; 1 clerk, \$1,500; 10 clerks, class 2; 22 clerks, class 1; 23 clerks, at \$1,000 each; 27 clerks, at \$900 each; 8 clerks, at \$840 each; 4 clerks, at \$720 each; 1 library cataloguer, \$900; 2 messengers, messenger boys, or laborers, at \$720 each; 4 messengers, messenger boys, or laborers, at \$600 each; 10 messengers, messenger boys, or laborers, at \$480 each; 1 messenger, messenger boy, or laborer, \$360; 3 messengers, messenger boys, or laborers, at \$300 each; 1 skilled laborer, \$900; 4 laborers or charwomen, at \$480 each; 9 laborers or charwomen, at \$240 each; in all, \$135,320.

Mr. FOSTER. Mr. Chairman, I make a point of order on the figures "\$2,120" where they occur in two places, in line 16 on page 64.

Mr. LEVER. I concede the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. LEVER. I move to insert in place of the figures stricken out, in the two places in line 16, the figures "\$2,000."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 64, in line 16, strike out "\$2,120" in the two places where it occurs and insert in lieu thereof in each place "\$2,000."

The amendment was agreed to.

The Clerk read as follows:

General expenses, States Relations Service: To carry into effect the provisions of an act approved March 2, 1887, entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," the sums apporportioned to the several States and Territories, to be paid quarterly in advance, \$720,000.

To carry into effect the provisions of an act approved March 16, 1906, entitled "An act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," the sums apporportioned to the several States and Territories, to be paid quarterly in advance, \$720,000: *Provided*, That not to exceed \$15,000 shall be paid to each State and Territory under this act;

To enable the Secretary of Agriculture to enforce the provisions of the above acts and the act approved May 8, 1914, entitled "An act to provide for cooperative agricultural extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," relative to their administration and for the administration of agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the employment of clerks, assistants, and other persons in the city of Washington and elsewhere, freight and express charges, official traveling expenses, office fixtures, supplies, apparatus, telegraph and telephone service, gas, electric current, and rent outside of the District of Columbia, \$68,500; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required under the above acts, ascertain whether the expenditures are in accordance with their provisions, coordinate the work of the Department of Agriculture with that of the State agricultural colleges and experiment stations in the lines authorized in said acts, and make report thereon to Congress.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I should like to find out which one of these acts is the so-called Lever Act. Is it the act of May 8, 1914?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. What appropriation is made under that act?

Mr. LEVER. The act itself makes an appropriation of \$1,000,000 each year for a certain number of years, conditioned upon certain things happening.

Mr. MOORE of Pennsylvania. It is not provided for in this bill?

Mr. LEVER. No; it is not.

Mr. MOORE of Pennsylvania. In what bill is it provided for?

Mr. LEVER. The statute itself makes a continuing appropriation.

Mr. MOORE of Pennsylvania. That comes in another appropriation bill?

Mr. LEVER. Oh, no.

Mr. ANDERSON. It is a permanent annual appropriation.

Mr. LEVER. A permanent continuing appropriation.

Mr. MOORE of Pennsylvania. Is that \$1,000,000 contained in the \$25,000,000 appropriated in this bill?

Mr. LEVER. No; it is not.

Mr. MOORE of Pennsylvania. Then, it is \$1,000,000 in addition, for agricultural education, besides what this bill provides for?

Mr. LEVER. It will be more than that this year, to be frank with the gentleman.

Mr. ANDERSON. It will be \$2,080,000.

Mr. LEVER. It will be \$2,080,000 more.

Mr. MOORE of Pennsylvania. The total provided in this bill is upward of \$25,000,000?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. The Smith-Lever bill would provide \$2,080,000 for the next fiscal year?

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. If the Smith-Hughes bill should pass, an additional provision would be made for agricultural education purposes, and that would be in addition to the appropriation made here.

Mr. LEVER. That is true.

Mr. MOORE of Pennsylvania. Will the gentleman state briefly, because he is entirely familiar with the subject, in what way the education provided for in the Smith-Lever bill differs from that provided for in the Smith-Hughes bill so far as it pertains to agriculture?

Mr. LEVER. I will say, frankly, to the gentleman that I have not had an opportunity on account of the work in the committee to give much attention to the details of the Smith-Hughes educational vocation bill, although I am strongly for it. I think, likely, the gentleman from Ohio and I together can give the gentleman the information. The system provided for in the agriculture extension bill is the teaching of agriculture and home economics through demonstration methods outside of the school or college.

Mr. MOORE of Pennsylvania. The teaching is directly to the farmer himself?

Mr. LEVER. Directly to the farmer himself, on his own farm.

Mr. MOORE of Pennsylvania. In other words, the educator goes out to the farm?

Mr. LEVER. The educator is an itinerant teacher, and under the Hughes bill he is, you might say, a stationary teacher.

Mr. MOORE of Pennsylvania. Under the Smith-Hughes bill he operates at the institution or school which receives the advantage of the appropriation?

Mr. LEVER. That is true.

Mr. TOWNER. And it might be said that one is almost exclusively the teaching of adults and the other of juveniles.

Mr. LEVER. Yes; under the extension act it is the teaching of adults largely, but not entirely, while under the Smith-Hughes bill it is juvenile.

Mr. MOORE of Pennsylvania. That is what I wanted brought out.

Mr. HELGESEN. One is an industrial bill and the other is agricultural.

Mr. MOORE of Pennsylvania. Oh, but they both pertain to agriculture. One-half of the Smith-Hughes bill appropriation is to go for the education of pupils in either agricultural schools or colleges who receive the benefit of the appropriation. The Smith-Lever bill, as I understand it, provides for appropriation for instructors to go out under the direction of the Department of Agriculture to teach the farmer on the farm the things he ought to know.

Mr. LEVER. Yes; there is a provision in the extension act which prohibits any of the funds being used within the institutions.

Mr. MOORE of Pennsylvania. I am bringing the question up now because I think it would be worth five minutes' time on the part of some gentleman to explain whether or not there is any duplication of work. This is a matter that may be discussed later on.

Mr. LEVER. I would say to my friend that with my partial understanding of the provisions in the Smith-Hughes bill and my full understanding of the extension act that I do not feel that there can be possibly any duplication of work, unless the extension act is deliberately violated.

Mr. MOORE of Pennsylvania. Well, there is no provision in the Smith-Lever bill for the education or instruction of anyone beyond the farm?

Mr. LEVER. No; except there is a provision for teaching home economics to the farm women and girls.

Mr. MOORE of Pennsylvania. It does not go into any other industry but agriculture?

Mr. LEVER. No.

Mr. FESS. If the gentleman will yield, the Smith-Lever bill is purely an extension education.

Mr. MOORE of Pennsylvania. To the farmer exclusively—on the farm exclusively.

Mr. FESS. Yes; and will be applied primarily to the adult, but is not exclusive of children getting the information through the adults; while the Hughes bill is limited to teaching in the schools pupils not under 14, with a provision that part of the time they are to be out in the field in demonstration work.

Mr. MOORE of Pennsylvania. Yes; but the point I wish to emphasize is that the Smith-Lever bill makes appropriation for the benefit of the farmer directly, and exclusively for the farmer, whereas the so-called Smith-Hughes bill, with which the gentleman from Ohio is very familiar, gives one opportunity at least for the child not on the farm to obtain a vocational education. It is the only bill we have before us that makes any provision for the education of the child in a vocation that is not agricultural.

Mr. FESS. That is right.

Mr. LENROOT. The gentleman will remember that he opposed an amendment to the bill that would insure vocational education in trade and industry to the people in the cities.

Mr. MOORE of Pennsylvania. I think not, except as it pertained to an amendment offered by the gentleman from Wisconsin limiting it to 20 per cent of the children affected. I would like to say further to the gentleman from Wisconsin that I am wholly in favor of vocational education for the boy and girl in the city—that is what I am contending for—but I am making the point that we have a double action here in favor of the boy on the farm.

Mr. McLAUGHLIN. Mr. Chairman, I fear that the gentleman from Pennsylvania may go away with a misapprehension as to the money appropriated under the Lever law, taking the answer given by the gentleman that it was used for the farmer alone. A part of the Lever money is used for the employment of agents to organize boys' and girls' clubs, or young people being taught to do farm work which they are able to do and girls some of the things that they would be taught by teachers of home economics.

Mr. MOORE of Pennsylvania. I am glad the gentleman made that statement, for it helps to a better understanding of the situation. I will ask if there is any provision of law, or any other bill, which provides for the formation of clubs for boys and girls in cities who might be kept off the streets and be educated in some useful occupation at Government expense?

Mr. HELGESEN. There certainly is. Take the canning industry, for instance. Girls in the cities want to know how to can fruit just as well as girls on the farm, and they can join the canning clubs.

Mr. MOORE of Pennsylvania. That is very nice, but the gentleman limits it to the canning industry.

Mr. HELGESEN. Oh, no; I simply cited that as an illustration.

Mr. MOORE of Pennsylvania. Does the gentleman mean to say that any of the Smith-Lever appropriation money could be applied to the formation of boys' and girls' clubs in any urban community?

Mr. HELGESEN. Yes.

Mr. MOORE of Pennsylvania. Does the gentleman from South Carolina indorse that statement?

Mr. LEVER. The gentleman from North Dakota is mistaken as to the larger cities, but this work can be done in small rural towns.

Mr. HELGESEN. I would say this: Of course, if they figure on New York or Philadelphia as the only great cities, that might be true, but there are cities in the West smaller where that can be done.

Mr. MOORE of Pennsylvania. Within the 2,500 population limit.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to proceed for one minute more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LEVER. We want to get through with the bill.

Mr. MOORE of Pennsylvania. I call the gentleman's attention to the fact that several of us have been absent on committee work this morning and the bill has made no greater progress by reason of that fact. [Laughter.] What I wanted to know was whether the Smith-Lever appropriations are made for the benefit of the people of Alaska, Hawaii, the people of Porto Rico or Guam?

Mr. LEVER. No; none of those funds go there.

Mr. MOORE of Pennsylvania. The Smith-Lever law provides for only the United States proper?

Mr. LEVER. For continental United States.

Mr. MOORE of Pennsylvania. May I ask the gentleman from Ohio [Mr. Fess] whether any provision is made for Alaska in the Smith-Hughes bill, or for any of the Territories?

Mr. FESS. No.

Mr. MOORE of Pennsylvania. Was it intended to exclude Alaska?

Mr. FESS. I think it mentions the States, simply.

Mr. GREEN of Iowa. Mr. Chairman, my friend the gentleman from Pennsylvania [Mr. Moore], whom I am glad to see here to-day, was yesterday making a criticism upon this bill as a whole, or upon the appropriations in the bill, and has just now been engaged in making an implied criticism upon the Smith-Lever bill upon the ground that it is an appropriation for the benefit of a peculiar and particular class, namely, the farmers of the country. This statement is based upon an entire misapprehension as to the effect and purpose of the Agricultural appropriation bill. Instead of being entirely for the benefit of the farmer, it is largely and principally for the benefit of those unfortunate individuals, like my friend from Pennsylvania, who live in the large cities. The object and purpose of the Agricultural appropriation bill is to increase the production of farm products, thereby to lessen the cost of living and make it easier and cheaper for the people to live in the large cities and buy the necessities of life. That is the main purpose of it. It only incidentally benefits the farmer, and the farmer does not get by any means the chief benefits from this bill. The larger their crops are, as a rule, the less the farmer gets for them, and it is only by reason of the fact that with a large crop he is able to have plenty of feed with which to supply his stock of animals that he gets very much benefit from an increased production. The benefits of this bill, the benefits of any bill for the purpose of increasing the products of the farm, are reaped almost entirely by the people who live off the farm.

The farmer, however, is broad minded enough to take this into consideration, and willing that other people should benefit from it as well as himself. I might say as an illustration of what I have said, that although we have a small cotton crop this year, the amount that will be received from it by the farmer will be immensely larger than ever before. If I am wrong in this, I would be glad to have some gentleman from the cotton States correct me. I know that when we have an immense corn crop in Iowa and in other States, the farmer as a rule does not receive as much for the crop as he does in a year of a small crop, and it is because the crop is smaller this year that the farmers of Iowa and others in the Mississippi Valley are getting so high a price for their corn.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Iowa. Yes.

Mr. BLACK. I read a statement in the newspapers to-day that the aggregate value of the crops of the United States for the past year was \$9,000,000,000, something more than \$2,000,000,000 more than in any year before, notwithstanding all of the crops were smaller than they were before.

Mr. GREEN of Iowa. That, gentlemen, is correct, and it is largely because of the decreased yield. I once heard a farmer who was experienced in raising hogs say that if the hog cholera could be entirely extinguished there would be no profit in raising hogs. I doubt that statement, but in any event, for the purpose of enabling the people who live in the cities, like my friend from Pennsylvania [Mr. Moore], to buy their pork and beef cheaper, we are all willing, and ought to be, to make these large appropriations in this bill for the purpose of increasing the production of the farm. There is no bill before this Congress which so benefits every class of society as does the Agricultural appropriation bill, which we now have before us. [Applause.]

Mr. MANN. Mr. Chairman, I move to strike out the last word. What is the theory for inserting in connection with the enforcement of the Lever law the administrative enforcement with reference to the experiment stations in the insular possessions?

Mr. LEVER. Mr. Chairman, it seems that the expenses of the enforcement of the station act have heretofore been carried in this item, but the solicitor has held that there is some question as to the authority to do that, and the new language was inserted to make sure that the authority was here.

Mr. MANN. The solicitor was plainly correct. This item only provided for the administration of the Lever law. The gentleman says that as a matter of fact. This division did administer the experiment stations in the insular possessions?

Mr. LEVER. Yes.

Mr. MANN. Why should there be an increase in the appropriation in this item? Is it because of the increase in the permanent appropriation?

Mr. LEVER. No. There is an increase of \$10,000 in this item which is to be used for the purpose of establishing an additional experiment station in Alaska. It was brought to the attention of the committee that there was great need of a station in the Matanuska Valley, about 250 miles north of the Fairbanks station and on the line of the new Alaskan railroad. It seems they have something like 1,200,000 acres.

Mr. MANN. The new Alaskan railroad will not be finished next year.

Mr. LEVER. I do not know when it will be finished.

Mr. MANN. It may be a very good thing to establish these agricultural experiment stations in Alaska. If we had enough of them up there, they would raise sufficient vegetables to feed the men who operate the stations. [Laughter.]

Mr. LEVER. The testimony before the committee was that at some of these stations where they were making their experiments they had proven that they could raise potatoes in large quantities and made a fair showing on barley and wheat.

Mr. MANN. Why do they not?

Mr. LEVER. They are.

Mr. MANN. Oh, no; they are not, except at the experiment stations.

Mr. LEVER. The gentleman will understand that Alaska is just about in the same latitude as Norway and Sweden, and there is no question but that you are going to develop agriculture there some of these days when the necessity comes for it.

Mr. MANN. Oh, they will develop a little agriculture in a few places, raising barley, possibly wheat, maybe some grass, but never to any extent. However, that is neither here nor there. Under what authority in this item do they establish a new experiment station when this is only in reference to the administration of agricultural colleges? This item does not carry the appropriation for the insular possession stations.

Mr. LEVER. I have been trying to find here my notes on this proposition. I find I am talking about an entirely different paragraph. The \$10,000 increase in this item is due to the fact that the administrative expenses of enforcing the Smith-Lever Act are largely increasing.

Mr. MANN. That is largely because the permanent appropriation has increased?

Mr. LEVER. Yes; it is on account of the increase in the appropriation. My statement was erroneous, because I was looking at the wrong paragraph.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For farmers' cooperative demonstration work outside of the cotton belt, including the employment of labor in the city of Washington and elsewhere, supplies, and all other necessary expenses, \$578,240.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. Here is an item of more than a half million dollars, a very large sum of money to any man living in the city who now has to pay farmers' prices for the necessities of life. Five hundred and seventy-eight thousand dollars is more than half a million, as I observed a moment ago, which, if it came up in the ordinary way affecting other industries, would probably bring the gentleman from Iowa [Mr. GREEN] to his feet with a point of order, if he could make it. It would doubtless be held to be too enormous an amount of money to go into the education or employment of anyone who was interested in the development of industries or who might in some way or other be controlled by the hideous corporations. But this item is for farmers' demonstration work outside of the cotton belt, and that is different. The cotton belt is provided for in this bill, and always is—from the boll weevil to the army worm. We make ample appropriations to provide for everything attached to cotton, from the time it is put into the ground until it is woven into the cloth. We look after the tariff on cotton goods, but we have no right under the Constitution to levy an export tax on cotton, and therefore collect very little out of cotton to promote the revenues of the Government of the United States. But, be that as it may, the gentleman from Iowa [Mr. GREEN] has made a violent attack upon the great cities, and I must defend them. He seems to think there is reason for congratulation upon the part of the farmer of the country that he has got the city man down at the present time, and is making enormous profits out of the products of the farm. The gentleman from Iowa chuckles over the position in which the city dweller finds himself and is glad he is a representative of a truly prosperous people.

If I am not mistaken, he had this speech in his system yesterday, but was unable to deliver it at that time. He came in after the battle was over and was unable to speak of his un-

quenchable love of the "downtrodden farmer of Iowa," that far-seeing farmer who is getting from \$200 to \$300 an acre for his land, while we can sell it to him for \$50, \$60, or \$70 in New Jersey, Delaware, or Virginia, and who is riding in automobiles and having the time of his life, receiving the highest price he ever got for his grain and the highest price he ever got for his other products, due to the fact, whether he knows it or not, that he is selling most of them to the warring peoples of Europe, while we of the great cities are paying European war prices for what we consume. The gentleman has a delightful view of a very intricate and troublesome home situation.

In calling attention to the money we appropriate for the farmer's education, we may also consider the many new jobs that will be provided for in this \$578,240 that is given in a lump sum for the employment of labor in the city of Washington and elsewhere looking after the cotton belt; and a little further on in this bill we find an item which proposes to put into effect the grain-grades act. It may be all right. I shall support it, but it provides for the expenditure of \$519,140 in a lump sum by the Secretary of Agriculture, without specification. The Secretary may employ such persons as he pleases, at any old salary he proposes to fix, at the expense of all the people, no matter whether we are paying \$1 a dozen for eggs in the great cities or whether the Iowa farmer is riding around in his automobile or not. I do not know why I have been compelled to make this speech except to pacify the gentleman from Iowa. I know how earnest the gentleman from Iowa was to get his speech in the RECORD to-day, the two gentlemen from Nebraska having got theirs in yesterday, and I am sorry the gentleman from Iowa was so unfortunate as to come in after the war was over, only to find himself too late. [Laughter and applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired. The Clerk will read.

The Clerk read as follows:

To enable the Secretary of Agriculture to establish and maintain agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, including the erection of buildings, the preparation, illustration, and distribution of reports and bulletins, and all other necessary expenses, \$155,000, as follows: Alaska, \$60,000, of which sum \$10,000 shall be immediately available for the location, equipment, and maintenance of an agricultural experiment station in the Matanuska Valley; Hawaii, \$40,000; Porto Rico, \$40,000; and Guam, \$15,000; and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam: *Provided*, That of the sum herein appropriated for the experiment station in Hawaii \$5,000 may be used in agricultural extension work in Hawaii.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph.

The CHAIRMAN. The gentleman from Illinois reserves a point of order on the paragraph.

Mr. MANN. Is the gentleman from South Carolina able to say how much money was received from the sale of products raised at the Alaska Experiment Station in any fiscal year recently?

Mr. LEVER. My recollection is that a statement was given to us last year to the effect that the receipts of the sales at the Alaska station amounted to about \$8,000; about that.

Mr. MANN. Does the gentleman recollect whether that is for the year past, or is this recent information?

Mr. LEVER. I thought about it last night; but I am pretty sure my recollection is correct on that. It impressed me at the time.

Mr. MANN. Well, we appropriated for this year \$48,000. I think perhaps that that was an increase. They do not raise very much. There is not a very large variety of experiments up in Alaska. They tell us how extremely easy it is to raise large crops of potatoes, barley, and, I believe, some raspberries, and maybe strawberries and currants, or something of the sort. They do not have the same problems that you have in a country where there is a more varied climate. Yet it would appear that for an expenditure of \$48,000 they were able to raise \$8,000 worth of stuff. They do not use it. They do not raise much that they can eat. They do not have much use for it if they do raise it, except to sell, and it sells at a very high price, even the hay that they raise.

I wonder how profitable it is to go ahead with another experiment station. It is proposed to have one at Matanuska Valley, at a cost of \$10,000. Well, that would produce probably one-sixth of \$10,000, whatever that may be—\$1,833 perhaps. I really would like to know what value this is.

Mr. LEVER. Well, I will let the gentleman complete his statement, so that I can make a connected statement in reply.

Mr. MANN. There may be no objection to having this experiment station; but, after all, facts are facts. The experiment

station is really "experimenting." They have a great number of small plats, but there is no occasion for having more such experiment stations in Alaska. I take it that is what they do. Now, they want to put this new station in Matanuska Valley. Ten thousand dollars will not go very far. The railroad is not finished, and nobody knows how soon it will be. I do not know whether anybody will ever go on it or not. I heard a gentleman the other day, who had been up there quite a while—a Government official, by the way—say that when that railroad was built it was perfectly evident to anyone who knew anything about it that it would not pay, as far as freight is concerned; but that if you could get everybody in this country to go up there as sightseers and pay passenger fares and travel around and see Mount McKinley, the road might be made profitable. Of course that is too silly for restatement.

Mr. TOWNER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. TOWNER. I will say to the gentleman that the railroad is into the Matanuska Valley now, and that the Matanuska Valley is a very large valley, in which it is expected that extensive agricultural operations may be carried on. Does not the gentleman think that it would be of value if we had an experiment station there to see whether or not these various crops could be raised?

The gentleman also said that those experiment stations were not necessarily experiment stations.

Mr. MANN. Oh, I did not make that statement. I beg the gentleman's pardon.

Mr. TOWNER. I do not want to misquote the gentleman, but, as I understood him, he said that the experiment stations there are not like the experiment stations in this country.

Mr. MANN. They are not.

Mr. TOWNER. And that, as a matter of fact, they were not being carried on in that way.

Mr. MANN. Oh, I said the experiments were necessarily very limited.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. TOWNER. Mr. Chairman, I ask unanimous consent that the gentleman from Illinois may be permitted to proceed for five minutes more.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. There are not many things that they can experiment with up there or that they do experiment with as they do where the climate is different. The gentleman from Iowa [Mr. TOWNER] says the railroad is in the Matanuska Valley. The railroad is not finished and is not in operation and will not be, so far as doing any business up there is concerned, until they open the coal fields, and that is not going to be done right away.

Mr. TOWNER. Does not the gentleman think, for the very reason that the climate is peculiar up there, and that they have not carried on extensive agricultural operations, that they should have an experiment station there to see if these various crops can be raised before they invite settlers to come in there and experiment on the land?

Mr. MANN. I was speaking of the agricultural experiment station that is there. That costs \$48,000 a year. That station claims that it can raise potatoes and barley and things of that kind at a great profit. Does it result in profit when on an expenditure of \$48,000 they raise products of a value of \$8,000? That demonstrates that it is pretty nearly useless.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. COX. The gentleman's statement about the railroads is very interesting, especially in view of the fact that an Army officer made a statement before the Committee on Military Affairs the other day to the effect that when the railroad was completed it would not be worth anything without roads, and he was asking the Committee on Military Affairs for an appropriation of \$8,000,000 or \$10,000,000—

Mr. MANN. Of course, the railroads will not be worth anything until roads are built to enable people to get to them.

Mr. COX. He was asking the Military Committee for an appropriation of \$8,000,000 or \$10,000,000 to improve the roads in Alaska, so as to make the railroads worth something when they were built.

Mr. LEVER. Mr. Chairman, did the gentleman from Illinois reserve the point of order?

Mr. MANN. I did reserve the point of order. I will not make the point of order.

Mr. LEVER. Mr. Chairman, I ask that the Clerk read.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Salaries, Office of Public Roads and Rural Engineering: One director, who shall be a scientist and have charge of all scientific and technical work, \$5,000; 1 editor, \$2,500; 1 draftsman or clerk, \$1,920; 1 clerk, \$1,900; 1 model maker, \$1,800; 2 clerks, class 4, 5 clerks, class 3; 1 clerk or editorial clerk, \$1,600; 1 clerk, \$1,500; 1 clerk or photographer, \$1,440; 1 clerk or instrument maker, \$1,440; 1 clerk or tabulator, \$1,440; 1 clerk, class 2; 1 clerk, \$1,380; 2 clerks, at \$1,320 each; 4 clerks, at \$1,260 each; 6 clerks, class 1; 1 clerk or editorial clerk, \$1,200; 1 draftsman, \$1,320; 1 clerk or draftsman, \$1,200; 1 clerk or draftsman, \$900; 1 clerk or photographer, \$1,200; 1 clerk or photographer, \$1,000; 2 clerks, at \$1,140 each; 2 clerks, at \$1,080 each; 1 clerk, \$1,020; 8 clerks, at \$1,000 each; 1 clerk or skilled laborer, \$1,000; 3 clerks, at \$900 each; 1 mechanic, \$1,680; 1 clerk or instrument maker, \$1,200; 1 lantern-slide colorist, \$1,320; 1 mechanic, \$1,200; 1 carpenter, \$1,200; 1 laboratory aid, \$960; 1 messenger, laborer, or laboratory helper, \$840; 1 messenger or laborer, \$840; 2 messengers, laborers, or laboratory helpers, at \$720 each; 2 messengers or laborers, at \$660 each; 6 messengers, laborers, or messenger boys, at \$600 each; 1 skilled laborer, \$720; 1 fireman, \$720; 7 laborers, messenger boys, or charwomen, at \$480 each; 7 charwomen, at \$240 each; in all, \$95,860.

Mr. COX. Mr. Chairman, I make the point of order against the figures "\$5,000," in line 9, page 69.

Mr. LEVER. That is subject to a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. STAFFORD. I reserve a point of order on the paragraph, Mr. Chairman. I wish to inquire whether the provision for the editor is the salary that he is now receiving, "one editor, \$2,500," in line 9? It is a new item in this bill.

Mr. LEVER. It is a transfer from the lump-sum fund at the same salary.

Mr. STAFFORD. I withdraw the reservation.

Mr. LEVER. I offer the following amendment:

In line 9, page 69, in lieu of the figures stricken out, insert the figures "\$4,500."

The CHAIRMAN. The gentleman from South Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 69, line 9, after the word "work," insert the figures "\$4,500."

The amendment was agreed to.

The Clerk read as follows:

For investigations of the best methods of road making, especially ordinary sand-clay and dirt roads, and the best kinds of road-making materials, and for furnishing expert advice on road building and maintenance, \$141,780.

Mr. CANDLER of Mississippi. Mr. Chairman, I move to strike out the last word for the purpose of asking unanimous consent to insert in the RECORD at this point some information in reference to the development of road building in the United States. It is directly applicable to this provision of the bill.

Mr. MANN. Why should we not have the information given us on the floor?

Mr. CANDLER of Mississippi. I do not want to take up the time.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to insert in the RECORD certain matter which he refers to. Is there objection?

There was no objection.

Mr. CANDLER of Mississippi. Mr. Chairman, it is well known by the membership of this House that I am and have heretofore been a strong advocate of Government aid to "good roads." The Office of Public Roads, under the direction of Dr. Logan W. Page, is doing great work. I desire to print as a part of my remarks in this connection the following article, showing the development in road building in the United States:

OUR COUNTRY ROADS—IMPROVED HIGHWAYS INCREASE AT RATE OF 16,000 MILES A YEAR, SAYS UNCLE SAM.

There were about 2,452,000 miles of public roads in this country outside the limits of incorporated towns and cities January 1, 1916, according to information that has just been compiled by Uncle Sam's experts of the Office of Public Roads and Rural Engineering. Of this number about 277,000 miles, or 11.3 per cent, were improved with some form of surfacing. It is said by the men who have just completed this survey that the mileage of surfaced roads has been increasing at the rate of about 16,000 miles a year, and in 1915 approximately one-half of this increase was made under the supervision of State highway departments. In addition, these departments supervised the maintenance of nearly 52,000 miles of main and trunk-line roads.

An increase of from approximately \$80,000,000 per year in 1904 to about \$282,000,000 in 1915 has been noted in the country for expenditures for road and bridge work, which is an increase of more than 250 per cent. The expenditure of State funds during this same period increased from about \$2,550,000 to more than \$53,000,000. In addition, more than \$27,000,000 of local funds was spent under State supervision in 1915, bringing the total road and bridge expenditures managed by the States to \$80,514,699. This amount is greater than the total expenditure for roads and bridges from all sources in 1904, according to the experts of the office.

Tracing the growth in importance of the State highway departments, the officials found them to be rapid. The first of these agencies was created in 1891 in New Jersey, and now some form of highway department exists in every State in the Union except Indiana, South Carolina, and Texas. Since their inception it is said that these departments have expended to January 1, 1916, an aggregate of \$205,350,825 in State funds for roads and bridge construction, maintenance, and administration. They had constructed more than 50,000 miles of roads in

cooperation with the States, more than 40,000 miles of which were surfaced.

The statistics gathered by the good-roads division experts show that the cash road and bridge expenditures of the United States averaged only \$28 per mile of rural roads in 1904. In 1915 this average had grown to \$109 per mile. New Jersey led all other States, both in 1904 and in 1915, with \$221 and \$475 per mile, respectively. Nevada made the least expenditure in both years—\$3.72 per mile in 1904 and \$17 per mile in 1915.

I call attention also to the following article, showing reduction in cost of hauling over improved roads, demonstrating the immediate benefits derived from improved-road construction:

IMPROVED ROADS BRING LOWER HAULING COSTS—TESTS MADE BY UNCLE SAM IN EIGHT COUNTIES IN DIFFERENT SECTIONS SHOW ANNUAL SAVING OF \$627,409.

Improvement of roads in eight selected counties in different sections of the country resulted in the aggregate in a total gross annual saving in hauling costs of \$627,409, according to recent economic studies made by the Office of Public Roads and Rural Engineering of the United States Department of Agriculture. The cost of haulage for the group of counties is lower since the roads were improved, it was found, even when charges are made in the comparative computations for interest on bonds and annual maintenance costs. The results of the studies, which extended from 1909 to 1915, and which included other effects of improved highways than those on traffic, are shown in Department of Agriculture Bulletin 393, recently published.

The eight counties in which the studies were made are Spotsylvania, Dinwiddie, Lee, and Wise Counties, Va.; Franklin County, N. Y.; Dallas County, Ala.; Lauderdale County, Miss.; and Manatee County, Fla. These counties were selected because they had just issued bonds for road improvement when it was decided to make the studies, and it would therefore be possible to cover the road improvements from outset to completion.

The average gross annual saving in hauling costs due to the road improvements in these eight counties was found to be 17.9 cents per ton-mile, while the net saving was found to be 11.6 cents. The investigators point out in the bulletin that an actual cash saving to the amount indicated is not effected, but that this is the indicated saving when the time of workers and use of draft animals and equipment are given cash values at the rates prevailing in the several communities.

EFFECTS BY COUNTIES.

In Spotsylvania County, Va., a bond issue of \$173,000 was provided and 76 miles of road were improved. The average loads hauled in a two-horse wagon increased materially after the roads were improved, and ton-mile costs dropped from 30 cents to 13.7 cents. This meant a gross ton-mile saving of 16.3 cents, or a net ton-mile saving, when charges were made for interest on bonds and maintenance of roads, of 14.9 cents. The gross total annual saving in the county is, therefore, approximately \$150,000; and when deductions are made for interest and maintenance costs the annual indicated net saving is \$130,670.

In Dinwiddie County, Va., a bond issue of \$105,000 was provided, and the State contributed in addition nearly \$40,000 worth of convict labor. The improved road mileage at the completion of the study was 101 miles. Average loads for a two-horse wagon increased from about 2,000 pounds to about 3,200 pounds, and ton-mile costs decreased from 30 cents to 15 cents. The net ton-mile saving is 13.7 cents, and the indicated gross saving for the county is \$124,970.

In Lee County, Va., a fund of \$364,000 was provided by bonds and the State contributed labor worth more than \$21,000. Ninety-nine miles of road were improved. Average loads increased from 1,500 to 4,000 pounds, and ton-mile costs were reduced from 40 cents to 20 cents, with a net ton-mile saving of 10.6 cents. The gross annual saving for the county was \$59,400.

In Franklin County, N. Y., bonds to the amount of \$500,000 were issued and 135 miles of road were improved. Average loads increased from about 2,400 pounds to 5,557 pounds. Ton-mile costs dropped from 30.3 cents to 9.6 cents, and the net ton-mile saving was 11.7 cents. The gross annual saving in the county for hauling charges has been approximately \$50,000 since the roads were improved.

In Dallas County, Ala., \$366,977 secured from the bond issue was used to improve 101 miles of road. Average loads increased from 1,500 pounds to 2,500 pounds, and ton-mile hauling costs fell from 30 to 15 cents. The net ton-mile saving was 10.9 cents. It is estimated that the county saves annually \$90,000 gross in hauling costs as a result of the road improvement.

In Lauderdale County, Miss., \$500,000 worth of bonds was issued and 96 miles of road improved. Average loads increased from 1,500 to 2,500 pounds, and hauling costs dropped from 37 to 20 cents per ton-mile. This brought about a net saving of 3.9 cents per ton-mile when all annual charges against the road improvements were considered. The annual gross saving to the county is approximately \$43,400.

In Manatee County, Fla., \$252,500 obtained from a bond issue improved 63 miles of road. Average loads increased from 1,500 pounds to 4,800 pounds, which resulted in a reduction of ton-mile hauling costs from 45 to 20 cents. The net saving per ton-mile since the roads have been improved is 12½ cents. It is estimated that the county saves annually in gross hauling costs \$32,573.

In Wise County, Va., \$1,031,578.54 was provided for road work by bond issues, State contributions, and in other ways. From this fund 83 miles of road have been surfaced and 66 miles graded. Average loads have increased from 1,500 to 2,500 pounds and ton-mile hauling costs have been reduced from 57 to 23 cents. The gross saving to the county, when hauling costs alone are considered, is approximately \$68,000 a year.

Mr. Chairman, I have some additional information in reference to another paragraph in the bill that I ask unanimous consent to insert at this point in the Record.

The CHAIRMAN. Without objection, the request of the gentleman will be granted.

There was no objection.

Mr. CANDLER of Mississippi. Mr. Chairman, in reference to the following item in the bill—

RENT IN THE DISTRICT OF COLUMBIA.

Rent of buildings, Department of Agriculture: For rent of buildings and parts of buildings in the District of Columbia, for use of the various bureaus, divisions, and offices of the Department of Agriculture, \$143,680—

I desire to submit the following letter from the Secretary of Agriculture, with data accompanying.

Hon. E. S. CANDLER,
House of Representatives.

DEAR MR. CANDLER: With reference to the space rented by the Department of Agriculture in the District of Columbia and the proposed increase in the appropriation for rents, I inclose a complete statement showing the present situation in detail (Exhibit A). This statement differs from that printed in the Book of Estimates for the reason that since the statement for the estimates was prepared the department has rented a fireproof storage warehouse at No. 220 Linworth Place SW., for which it pays an annual rental of \$3,750 (0.237 cent per square foot gross), and 12,410 square feet in the Munsey Building at an annual rental of \$14,000 (\$1.12 per square foot gross). These additions raise the average rental per square foot paid by this department from 0.278 cent per square foot gross, as stated in the Book of Estimates, to 0.30 cent per square foot gross. We are renting a total of 499,605 square feet gross, the total rental being at the rate of \$150,208. Of this sum \$11,790 is paid from the permanent annual appropriations for "meat inspection" and \$15,000 from the appropriations for "cotton standards," "grain standards," and "warehouse act," each of which carries the specific authority to pay rent in the District of Columbia. The entire sum of \$150,208 will not be paid for rent during the present fiscal year, for the reason that the lease on the quarters in the Munsey Building did not begin until October 17, 1916, and the lease on the storage warehouse at 220 Linworth Place did not begin until November 1, 1916.

I inclose also a statement (Exhibit B) from the Book of Estimates showing the rental paid by other branches of the Government. These figures are assumed to be gross and the average per square foot has been figured in each case for comparison with the Department of Agriculture statement on this basis. You will notice that our rate per square foot gross is slightly lower than the rates paid by the branches included in the statement.

I inclose also a statement (Exhibit C) made before the House Committee on Agriculture by Mr. Charles J. Brand, Chief, Office of Markets and Rural Organization, of the rentals that bureau has had to pay for offices in various cities. The average price per square foot is \$1.11 and the highest rate paid, namely, in Boston, Mass., is \$2.22 per square foot. Granting that these prices include heat, light, and elevator service, it is certain that the average rate is much higher than the average rate the department is paying in Washington. These figures are given you for comparison with the rentals paid by the department in Washington.

With reference to the increase of \$20,000 in the item, "Rent in the District of Columbia," included in the Agricultural appropriation bill as reported to the House, it has long been the desire of the department to bring the Forest Service into a building nearer to the Secretary's office—a building which would be fireproof and large enough to permit of necessary expansion. In common with other branches of the department, the Forest Service has grown and is now overcrowded in its present quarters. With the rental (\$18,000) now paid by the Forest Service, however, it is not possible to secure the erection of a building for the Forest Service alone, since the builders do not care to go into a proposition of that size, nor does the department think it desirable to secure the erection of a building which will accommodate the Forest Service alone, when, by combining the Forest Service rental with other funds, it believes it can secure the erection of a large building which will accommodate under one roof the Forest Service and other branches which are needing room for expansion as much or more. Should the increase be allowed, therefore, it is the department's intention to take the \$18,000 now paid for the Forest Service rental, plus the \$20,000 increase, and a fair portion, perhaps \$10,000, of the rental now paid by the Office of Markets, in the Munsey Building, and secure the erection of a large modern fireproof office building in the immediate vicinity of the department, placing therein not only the Forest Service but certain units of other bureaus. This is intended to release space which will enable the Office of Markets to expand in the building it now occupies (1358 B Street, SW.), and remove from the Munsey Building the office for which it is now paying the high rental of \$1.12 per square foot. From past experience and from present tentative offers, the department believes it can secure the erection of such a building at a rate per square foot of rental which, even allowing for the furnishing of light, heat, and elevator service by the department, will be less than half the price exacted by the owners of office buildings uptown in Washington.

If the increase of \$20,000 in the rental appropriation is granted, therefore, the department intends to make every effort to secure a building of considerable size. If it can secure a new, modern, fireproof office building providing, say, 100,000 square feet of floor space, this will not exceed our immediate present needs. The Office of Markets, with the cotton standards, grain standards, and warehouse legislation to execute and no quarters for the additional employees needed, has been forced to rent high-priced offices in the Munsey Building away from the bureau headquarters; the Forest Service is seriously hampered for space; certain units of the States Relations Service are crowded to a point where efficient work is almost impossible; and the Bureau of Chemistry, the Bureau of Biological Survey, the Federal Horticultural Board, and other branches of the Department are in urgent need of more room. The department feels very strongly that its plea for immediate relief, represented by the \$20,000 increase proposed in the rent fund, is thoroughly justified by actual present conditions, and that it can not properly execute the tasks laid upon it by Congress without such relief.

In conclusion, I wish to lay before you a few figures to indicate something of the growth of the Department of Agriculture in recent years. The new buildings known as laboratories A and B were authorized in 1903, and for that fiscal year the total appropriations to the department were \$5,015,846. The buildings were completed and occupied in March, 1908. For that fiscal year the total appropriations were \$13,037,802, of which \$12,595,502 was actually disbursed. The department had outgrown the new buildings before they were completed. Since 1908 the growth has continued, and for the fiscal year 1917 the total appropriations are \$36,128,852, or nearly three times the disbursements in 1908. The disbursements for rent in 1908 were \$65,705, and for 1917 will be about \$142,000, or about two and one-quarter times what they were in 1908. The appropriation for rent has therefore not kept pace with the growth of the department, and the result is a serious overcrowding in many bureaus.

Very truly, yours,

D. F. HOUSTON, Secretary.

EXHIBIT A.

Statement showing data in relation to rented buildings of the Department of Agriculture.

Name or location of building.	Character of building.	Number of rooms.	Occupied by—	Occupied as—	Floor space (per square foot).		Annual rental.	Annual rental (per square foot).		Date of first lease.	Owner or lessor.	Assessed value of building.
					Net.	Gross.		Net.	Gross.			
930 F St. NW. (Atlantic Building).	Old brick office building, 8-story and basement.	148	Forest Service.	Offices.....	35,658	54,600	\$18,000	\$0.504	\$0.329	July 1, 1901	Atlantic Building Co., M. M. Parker, president, 1418 F St. NW.	\$138,670
913 E St. NW. (rear).	1-story shop building in alley.	1	do.....	Workshop.....	1,470	1,470	270	.183	.183	Nov. 1, 1902	Jeremiah O'Connor, owner, T. D. Walsh, agent, 1312 F St. NW.	400
915 E St. NW. (rear).	2-story brick building in alley.	2	do.....	Storage.....	1,150	1,150	300	.26	.26	June 15, 1915	Joe R. Williams, 915 E St. NW.	300
216 13th St. SW. (Chemistry Building).	6-story and basement modern fireproof laboratory building.	132	Bureau of Chemistry.	Offices and laboratories.	50,350	59,000	18,000	.318	.271	Mar. 8, 1909	Peter J. Campbell and Wm. T. Shea, 632 Penna. Ave. NW.	98,776
212-214 13th St. SW.	Old 3-story brick residences.	37	Bureau of Chemistry.	Supply rooms and storage.	7,200	8,600	960	.131	.111	Dec. 1, 1894	Peter J. Campbell and Wm. T. Shea, 632 Penna. Ave. NW.	8,758
215 12th St. SW. (rear).	2-story brick garage building.	8	Bureau of Chemistry and Secretary's office.	Storage.....	2,353	2,682	600	.254	.223	Aug. 1, 1915	National Savings & Trust Co., agents, 15th and New York Ave. NW.	3,483
513-515 14th St. NW. (Willard Bldg.).	Modern 8-story office building.	76	Public Roads and Rural Engineering.	Offices and laboratories.	26,116	36,324	9,500	.363	.261	Apr. 12, 1915	National Savings & Trust Co. (15th & N. Y. Ave.) and H. K. Willard, trustees.	182,160
1228 C St. SW. (rear).	Old 1-story and loft stable.	17	do.....	Storage.....	1,000	1,195	144	.14	.12	Aug. 1, 1907	C. A. Harvey, 1228 C St. SW.	400
215 13th St. SW.	4-story, basement brick building, built for warehouse purposes.	34	Division of Publications.	Offices, storage, and mailing.	15,340	19,390	4,000	.26	.206	Mar. 1, 1905	Norton M. Little, agent, 1413 H St. NW.	21,726
1316 B St. SW.	Modern 3-story brick building.	34	Office of the solicitor.	Offices, files, and storage.	8,773	10,427	3,000	.341	.287	May 1, 1904	John M. Beavers, owner, Hand Water Sts. SW.	12,647
220 13th St. SW.	3-story brick warehouse, remodeled.	27	Insecticide and fungicide board.	Offices and laboratories.	8,470	9,900	3,000	.35	.30	Apr. 14, 1913	Frank J. Hogan, owner, Evans Building.	17,424
929 7th St. SW.	Old warehouse.....	7	Secretary's office, Bureau of Soils, exhibits.	Storage.....	8,110	8,280	600	.074	.072	June 1, 1913	Geo. E. Walker, owner, 501 7th St. SW.	16,393
200-202 14th St. SW.	4-story and basement brick building remodeled and fireproof.	37	Plant Industry; States Relations Service; Biological Survey; Forest appeals.	Offices and laboratories; storage.	13,100	15,140	3,000	.229	.198	July 1, 1900	R. Harrison Johnson, 306 7th St. SW.	20,167
339-41 Pennsylvania Ave., NW. (Globe Building).	Old 4-story brick building, warehouse construction.	27	Bureau of Plant Industry.	Congressional seed distribution and storage.	33,000	40,000	4,500	.145	.12	Sept. 1, 1912	R. W. Shoppell, War-der Building.	30,476
1304-6 B St. SW.	Double brick structure, 3-story and basement.	36	do.....	Offices forage crop; seed distribution.	11,286	13,530	2,500	.218	.184	Sept. 1, 1901	Tyler & Rutherford, agents, 817 15th St. NW.	18,169
215 12th St. SW.	Old 3-story brick residence.	10	Farm management.	Offices.....	1,746	2,771	450	.257	.162	Apr. 8, 1914	A. C. Belt, agent, 1309 G St. NW.	3,868
217 12th St. SW.	do.....	13	Farm management; exhibits.	do.....	1,746	2,771	450	.257	.162	Aug. 1, 1914	do.....	5,491
220 14th St. SW.	Modern fireproof, 6-story, basement, office building.	139	Plant Industry; States Relations Service.	Offices and storage.	51,000	60,000	20,000	.392	.333	Aug. 28, 1912	Western Investment Co.; F. H. Smith Co. agents, 815 15th St. NW.	120,925
221 Linworth Place SW.	Modern brick and concrete fireproof, 5-story and basement storage building.	31	Bureau of Animal Industry; Office of Markets.	Warehouse, cotton and paper work.	19,000	21,600	5,400	.284	.25	June 1, 1906	Columbia Properties Co., Riggs Building.	30,849
224 12th St. SW.	3-story brick double building.	40	Farm management.	Offices.....	8,380	12,360	2,500	.298	.202	Dec. 22, 1902	Amer. Security & Trust Co., 15th & Pennsylvania Ave.	17,332
Munsey Building, Rooms 919 and 920.	Modern granite, fireproof office building.	2	Bureau Animal Industry (Field Service).	Offices, meat inspection.	366	366	420	1.15	1.15	July 1, 1909	Munsey Building Co..	(¹)
Munsey Building, third and fifth floors.	do.....	78	Office of Markets and Rural Organization.	Offices, grain and warehouse acts.	12,410	12,410	14,000	1.12	1.12	Oct. 17, 1916	do.....	(¹)
215 Linworth Place SW. (rear).	1-story building of frame construction.	2	Bureau Animal Industry (meat inspection).	Storage.....	297	297	120	.401	.401	Aug. 1, 1915	Mrs. M. E. Winfield, 215 Linworth Place SW.	500
1358 B St. SW.	Modern fireproof 8-story, basement, office building.	216	Markets; Animal Industry; Library; Biological Survey; Publications; Plant Industry.	Offices and laboratories.	76,500	85,000	35,360	.462	.416	Dec. 3, 1914	Mrs. H. M. Halliday, owner; F. H. Smith Co., agents, 815 Fifteenth St. NW.	182,744
1315 C St. NW.	2-story brick warehouse.	2	Office of Markets.	Cotton storage.	4,000	4,100	1,000	.25	.243	Dec. 20, 1915	W. D. Sullivan, 817 Fifteenth St. NW.	6,564

¹Not assessed.

Statement showing data in relation to rented buildings of the Department of Agriculture—Continued.

Name or location of building.	Character of building.	Number of rooms.	Occupied by—	Occupied as—	Floor space (per square foot).		Annual rental.	Annual rental (per square foot).		Date of first lease.	Owner or lessor.	Assessed value of building.
					Net.	Gross.		Net.	Gross.			
349 Pennsylvania Avenue (rear).	Garage.....	1	Plant Industry.	Automobile storage.	422	422	\$84	\$0.20	\$0.20	Oct. 18, 1916	Robt. J. Michael, 349 Pennsylvania Avenue NW.
220 Linworth Place SW.	New fire-proof storage warehouse.	Markets; Animal Industry; Secretary's office.	Storage of cotton and supplies.	15,000	15,320	3,750	.25	.237	Nov. 1, 1916	Boyle-Robertson Construction Co. (Inc.), Evans Building.	(1)
					414,343	499,605	150,208	.362	.30			

1 Not assessed.

Bureau of Animal Industry: Meat Inspection pays rental for—

2 rooms in Munsey Building.....	\$420
Rear of 215 Linworth Place SW.....	120
Portion of rent for building, 1358 B Street SW.....	10,000
Will pay one-third rent for 220 Linworth Place SW.....	1,250
Total.....	11,790

Office of Markets:

Cotton Standards pays rent 1315 C Street NW.....	1,000
Grain Standards four-fifths and Warehouse Act one-fifth rent rooms in Munsey Building.....	14,000
Total.....	15,000

EXHIBIT B.

(Buildings rented within the District of Columbia for the use of various departments of the Government for the fiscal year 1917, and the average rate per square foot of floor space.)

Statement of buildings rented within the District of Columbia for use of the Government by the Department of State for the fiscal year ended June 30, 1916, as required by the act of July 16, 1892 (27 Stat. L., p. 199), and act of May 1, 1913 (38 Stat. L., p. 3, sec. 3).

Location of building.	For what purpose used.	Annual rental.	Available floor space.	Price per square foot available floor space.	Memoranda.
Brick building, 1653 Pennsylvania Avenue NW.	Office of the assistant solicitors, Bureau of Citizenship, translator.	\$3,900.00	Square feet. 9,798	\$0.40	Rental includes heat, gas, and electricity. Assessed valuation, \$11,000.
Rear 1518 L Street NW.	Stables.	720.00	2,336	.31	Assessed valuation, \$2,000.
Mount Pleasant garage.	Storage of automobile mail wagon.	180.00			Rental includes cleaning and polishing of automobile.
Woodward Building, Fifteenth and H Streets NW.	Office of the American and British Claims Arbitration, American section.	600.00	1,596	.38	Rental includes heat, light, elevator and janitor service, and iced drinking water. Assessed valuation not known by department.
Southern Building, Fifteenth and H Streets NW.	Offices of the International Joint Commission, American section.	2,500.00	2,165	1.15	Rental includes heat, light, elevator, and janitor service. Assessed valuation not known by department.
Building 1703 New York Avenue NW.	Bureau of Accounts, office of solicitor, etc.	16,300.00			Rental includes heat. Assessed valuation not known by department.
Total.....		14,200.00	15,895	.49	

1 Not included in average.

Buildings rented by the Treasury Department, number of square feet of floor space occupied in each, the yearly rental per building, the rental per square foot of space, and the assessed value of each building, for fiscal year ending June 30, 1916.

Building.	Floor space.	Yearly rental.	Rental per square foot.	Assessed value.
Cox Building, New York Avenue NW., between Seventeenth and Eighteenth Streets (first, second, and third floors occupied by files of the Auditor for the War Department; fourth floor by photograph gallery, Office of the Supervising Architect.	Square feet. 13,591	\$2,150.00	\$0.158	\$16,053.00
Merchants Transfer & Storage Building, E Street NW., between Ninth and Tenth Streets (third, fourth, and back part of fifth floors rented; used for files), light, janitor, and elevator service included.	26,736	8,000.00	.299	101,811.00
Treasury Department stables, 400 Nineteenth Street NW.	9,646	1,200.00	.124	10,821.00
Munsey Building, E Street NW., between Thirteenth and Fourteenth Streets (entire fourth floor occupied by the Coast Guard Service), heat, light, elevator, and janitor service included.	10,500	10,000.00	.952	1,190,318.00
Total.....	60,473	21,350.00	.353	

Buildings rented by the Navy Department in the District of Columbia for the fiscal year 1917.

Name and location of building.	For what purpose used.	Area of available floor space for Government use.	Annual rental.	Rate per square foot.	Assessed valuation.	Proportion of rental covering cost of heat, light, elevator, and other service.
Navy Building, New York Avenue, between Seventeenth and Eighteenth Streets NW. (6 floors and basement).	Annex for purposes of certain bureaus and offices.	Square feet. 78,690	\$30,000.00	\$0.38	\$190,229.00	None.
No. 730 Seventeenth Street NW.	Naval dispensary.	2,383.5	1,200.00	.5033	14,283.00	Do.
Navy Building, New York Avenue, between Seventeenth and Eighteenth Streets NW. (3 floors).	Headquarters United States Marine Corps.	25,000	10,000.00	.40	190,229.00	Do.
Nos. 319, 321, 323 Third Street SE.	Used as stable and garage by quartermaster's department, Marine Corps.	9,450	900.00	.0952	7,500.00	Do.
Florida Yulee Neff Building, Seventeenth Street and Pennsylvania Avenue NW.	Part of drafting force of Bureau of Construction and Repair.	5,589	3,000.00	.5364	39,946.00	Do.
Total.....		121,112	45,100.00	.37		

Buildings rented by the Department of the Interior in the District of Columbia for the fiscal year 1917.

Bureau.	Location.	Assessed valuation of property.		Area.	Rental per annum.	Rate per square foot.	What proportion rental paid includes heat, light, elevator and other service.
		Building.	Land.				
Bureau of Mines.....	710 E Street NW., Busch Building.....	\$45,000.00	\$40,540.00	Square feet. 30,072	\$12,000.00	\$0.399	None.
Reclamation Service.....	Northwest corner of Eighth and E Streets NW..	30,000.00	28,868.00	20,500	7,800.00	.38	Includes janitor and elevator service.
Civil Service Commission...	1724 F Street NW.....	110,000.00	11,221.00	46,946	16,875.00	.351	None.
Geological Survey.....	Hooe Iron Building and Annex, 1320 F Street NW.	180,000.00	370,360.00	110,175	35,200.00	.319	Do.
Do.....	Adams Building, 1333 F Street NW. (fifth and sixth floors).	45,000.00	153,894.00	8,340	4,800.00	.575	Includes all service except light.
Total rent.....				216,033	76,675.00	.354	

Buildings rented by the Post Office Department in the District of Columbia for the fiscal year 1917.

Location of building.	For what purpose used.	Annual rental.	Available for Government use.	Rate paid per square foot.	Assessed valuation.	Proportion of rental includes heat, light, elevator, etc., service.
1520 L Street NW. (rear). First and K Streets NE	Department stable..... Mail-bag and mail-lock repair shops and Division of Equipment and Supplies.	\$360.00 32,000.00	Square feet. 1,148 118,000	\$0.31 .27	\$2,061.00 120,000.00	None. Do.
Twelfth and Monroe Streets NE	Brookland Station, city post office.	600.00	1,224	.49	13,000.00	Not known. ¹
6918 Fourth Street NE	Takoma Park Station, city post office.	780.00	1,175	.66	1,535.00	Do. ¹
1319 New York Avenue NW	Station C, city post office.	2,000.00	1,626	.94	125,588.00	Do. ³
1438 U Street NW	Station F, city post office.	6,000.00	6,676	.84	79,566.00	Do. ⁴
Eighth and F Streets NW	Station G, city post office.	1,500.00	756	1.97	60,168.00	Do. ⁵
2018 Nichols Avenue SE	Station H, city post office.	600.00	1,360	.44	3,406.00	Do. ⁶
514 Eleventh Street NW	Eleventh Street Station, city post office.	2,500.00	2,134	1.12	130,040.00	Do. ³
Total rent.....		46,340.00	134,099	.345		

¹ Including equipment, heat, and light.² 294 square feet of gallery space is also provided.³ Including heat only.⁴ Including equipment and heat.⁵ Including heat and light, but not equipment.⁶ Including equipment, but not heat and light.

Buildings rented by the Department of Justice in Washington, D. C., including the Customs Court, for the fiscal year ending June 30, 1917.

Building.	Annual rental.	Area, including halls, etc.	Area actually available for office purposes.	Rate per annum per square foot of floor space.	Assessed valuation of buildings and land.
1435 K Street NW.....	\$10,000.00	Square feet. 35,725	Square feet. 30,233	\$0.279	\$70,200.00
1439 K Street NW.....	2,400.00	7,616	5,849	.315	23,440.00
1000 Vermont Avenue NW.....	6,800.00	15,328	13,136	.444	37,293.00
1013 Fifteenth Street NW.....	1,800.00	3,463	2,844	.519	7,198.00
6 Jackson Place.....	1,800.00	8,334	6,680	.216	26,092.00
8 Jackson Place.....	2,400.00	7,181	5,558	.3342	27,545.00
10 Jackson Place.....	1,800.00	4,819	3,329	.3735	18,448.00
Southern Building (24 rooms).....	9,000.00	19,355	9,355	2.9656	1,155,724.00
Total for Department of Justice.....	36,000.00	91,821	76,948	.467	1,365,940.00
Customs Court, National Savings and Trust Building, Fifteenth Street and New York Avenue NW.....	7,000.00	12,348	9,312	2.5668	407,340.00
Total.....	43,000.00	104,169	86,262	.412	1,773,280.00

¹ Rooms rented. Halls not taken into consideration.² Includes heat, light, and janitor service.³ Includes heat, light, and elevator service.

Buildings rented within the District of Columbia for use of the Department of Commerce for the fiscal year 1917.

Building.	Rental.	Available floor space for Government use.	Rate per square foot.	Assessed valuation of building.	Proportion of rental paid for heat, light, elevator, or other service.	For what purpose used.
Commerce Building.....	\$65,500.00	Square feet. 182,954.8	\$0.363	\$444,236.00	None.	Main building of the department and all bureaus thereof, except the Bureau of Fisheries, Coast and Geodetic Survey, and Bureau of Standards.
Stables.....	1,000.00	6,450.0	.155	5,500.00	None.	
Total.....	66,500.00	189,404.8	.351			

Building rented by the Department of Labor within the District of Columbia for the fiscal year 1917.

Mills Building, corner of Pennsylvania Avenue and Seventeenth Street NW. Main building of department (office of the Secretary, Bureau of Immigration, Naturalization, and Labor Statistics, Children's Bureau, and office of the Solicitor). Rental, \$24,000 per annum. Area in square feet of available floor space for Government uses, 67,000. Rate paid per square foot for such floor space per annum, \$0.358.	
Assessed valuation of building.....	\$260,000
Assessed valuation of land.....	80,627
Total.....	340,627
The rent does not include heat, light, elevator, or other service. Average rate per square foot, \$0.358.	

Summary.

Department of State (exclusive of building 1703 New York Avenue, \$6,300).....

Treasury Department.....

Navy Department.....

Department of the Interior.....

Post Office Department.....

Department of Justice.....

Department of Commerce.....

Department of Labor.....

Average rental
per square foot of
gross floor space.

\$0.490
.353
.370
.354
.345
.412
.351
.358

EXHIBIT C.

Quarters occupied by offices of Federal grain supervision.

City.	Super- vision district No.	Building.	Number of rooms.	Room numbers.	Area. Sq. ft.	Annual rental.	Rental rate. Sq. ft.
Atlanta.....	8	Third National Bank.....	4	1710-1713, inclusive.....	698	\$840.00	\$1.20
Baltimore.....	6	Garrett Office.....	5	409-415, inclusive.....	1,519	2,094.20	1.38
Boston.....	1	Oliver.....	3	1140-1142, inclusive.....	630	1,400.00	2.22
Buffalo.....	4	Chamber of Commerce.....	3	331, 334, 336.....	1,150	1,125.00	.98
Cairo.....	23	Post office.....	2	6 and 8.....			
Chicago.....	20	Continental and Commercial Bank.....	7	970-982, inclusive.....	3,016	4,678.00	1.55
Cincinnati.....	11	Johnson.....	3	210-212, inclusive.....	1,060	1,380.00	1.30
Cleveland.....	14	Illuminating.....	3	701-703, inclusive.....	775	900.00	1.16
Denver.....	31	Cooper.....	3	505, 507, 509.....	480	480.00	1.00
Detroit.....	15	Holden.....	1	314, 315.....	380	780.00	2.05
Duluth.....	17	Glencoe.....	2	309, 310.....	565	600.00	1.06
Fort Worth.....	28	First National Bank.....	2	511, 512.....	464	570.00	1.23
Galveston.....	27	Security.....	2	222, 223.....	431	360.00	.84
Indianapolis.....	12	Board of Trade.....	4	824-827, inclusive.....	871	827.45	.95
Jacksonville.....	7	Clark.....	2	511, 512.....	410	360.00	.88
Kansas City.....	24	Postal Telegraph.....	10	303-312, inclusive.....	2,520	1,800.00	.71
Louisville.....	10	Board of Trade.....	3	27, 28, 29.....	752	660.00	.88
Memphis.....	25	Exchange.....	3	402-404, inclusive.....	523	780.00	1.49
Milwaukee.....	16	Wells.....	1	513-516.....	672	800.00	1.19
Minneapolis.....	18	Flour Exchange.....	4	319, 324, 326, 327.....	1,500	1,500.00	1.00
Nashville.....	9	Independent Life.....	3	806, 807, 807½.....	495	600.00	1.21
New Orleans.....	26	Metropolitan Bank.....	4	500-503, inclusive.....	1,451	1,320.00	.91
New York.....	2	Lord's Court.....	3	1607-1609, inclusive.....	1,193	1,980.00	1.66
Oklahoma City.....	29	Grain Exchange.....	2	527, 528.....	465	450.00	.97
Omaha.....	19	do.....	1	Store No. 3.....	900	600.00	.67
Peoria.....	21	Simoneau.....	2	23-25.....	840	480.00	.57
Philadelphia.....	3	Bourse.....	3	576, 578, 580.....	699	1,080.00	1.55
Pittsburgh.....	5	Wabash.....	1	319-321.....	1,102	535.50	.49
Portland, Oreg.....	32	Worcester.....	4	309-310.....	1,800	1,200.00	.70
St. Louis.....	22	United States appraiser's store.....	3	402, 408, 413.....			
Toledo.....	13	Second National Bank.....	3	2009-2011, inclusive.....	735	1,285.18	1.75
Wichita.....	30	Sedgewick.....	3	313, 315, 317.....	729	390.00	.53
Total.....					28,827	31,915.33	1.11

The space occupied at Cairo, Ill., and St. Louis, Mo., is in Federal buildings, and no rental is paid.

The Clerk read as follows:

For conducting field experiments and various methods of road construction and maintenance, and investigations concerning various road materials and preparations; for investigating and developing equipment intended for the preparation and application of bituminous and other binders; for the purchase of materials and equipment; for the employment of assistants and labor; for the erection of buildings; such experimental work to be confined as nearly as possible to one point during the fiscal year, \$60,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. Is the gentleman able to tell us where the Government built roads last year out of these appropriations?

Mr. LEVER. I will say frankly to the gentleman that I can not.

Mr. MANN. And, further, can the gentleman tell how the pull is exercised to get a road built in a community at the expense of the Government?

Mr. LEVER. I can not give the gentleman the information. I have no such roads in my district.

Mr. MANN. Undoubtedly the gentleman from South Carolina would be able to get one in his district, and he is to be complimented that he has not exercised his pull. I notice there are a good many of these Government-built roads or sections of road around Washington. I suppose that possibly some Government official has a summer home some place around Washington and gets the good-road division to build a good road at Government expense, experimentally, so as to accommodate the Government official who has a summer home there.

Mr. LEVER. If the gentleman will permit, we made no inquiry as to that particular matter this year, but last year we did make some inquiry, and my recollection of the general statement made to us is that the department had, as a matter of fact, built many of its roads around Washington here, because they were near the office, and furnished a field laboratory for their experimental and investigational work.

Mr. MANN. Where the character of traffic is probably different from that in any other place in the United States, and where the knowledge acquired would be of no use at all in nine-tenths of the United States. Of course they have automobiles going over the roads here, and that is what they were built for here. I

suppose there are not very many farmers' wagons going over these roads with heavy loads. There is not anything of that sort to speak of around Washington, and the road that does bring the people in has not been taken care of by the roads division. Out here at Bradley Lane, or some place like that, where a farmer's wagon probably never was seen, the Government builds a road.

Mr. LEVER. The gentleman understands, of course, that the department is conducting experiments in the field with ordinary types of road that are intended for ordinary traffic. I have been over only one or two of these experimental roads around Washington. One road goes through the Arlington farm in the direction of Alexandria and one in the direction of Gettysburg.

Mr. MANN. There is one down in the district of our genial friend from Virginia [Mr. CARLIN].

Mr. CARLIN. And it is a very good road, too.

Mr. MANN. And there is one out to the Chevy Chase Club. There are several of them around here—I think a grossly improper expenditure of public money by the Government.

Mr. LEVER. I will say to the gentleman that I think the department has concentrated its work in the study of road binders and concrete roads and things of that kind—not the ordinary country roads—around Washington, for the reason that it furnishes their force of experts a field laboratory close at hand.

Mr. MANN. Have they ever made any report in reference to the various sections of the Chevy Chase road?

Mr. LEVER. Yes; we have put those gentlemen under examination before our committee hour after hour, and have tried to find out what they were doing.

Mr. MANN. What can the gentleman tell about the different kinds of road building?

Mr. LEVER. I do not try to keep such details in mind.

Mr. MANN. Have they ever made any report to anybody else on the subject?

Mr. LEVER. There are a great many bulletins that the Office of Roads has issued. I do not know that they have ever made any report about the Chevy Chase road.

Mr. MANN. There was a time when I used to make points of order on a lot of these items which are subject to a point of order, and I did it just because this money is being spent very largely to accommodate gentlemen around Washington at the Government expense.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the erection and equipment of a laboratory building on the Arlington Farm property of the United States Department of Agriculture for permanent quarters for the testing and research work of the Office of Public Roads and Rural Engineering, plans and specifications to be prepared and work done under the supervision of the Secretary of Agriculture, \$75,000.

Mr. COX. Mr. Chairman, I reserve a point of order on the paragraph. I want to know what the purpose of this is, and the object to be attained by the appropriation.

Mr. LEVER. The Office of Public Roads is now doing practically all of its laboratory and testing work in the Willard Building, across from the Willard Hotel. It is using both the garret and the cellar of the building. The chief of the Office of Roads informs the committee that their quarters are greatly cramped, that the fumes from acids used in testing road material is, to say the least, disagreeable, if not unhealthful to the employees; and while it is true that they have a temporary structure over on the farm at Arlington, that that structure is by no means adequate to handle the business in the way of testing materials that will come in by reason of the passage of the Federal road act, which was likely to swamp this bureau with all kinds of road material for testing out.

Mr. COX. This is a new provision, is it not?

Mr. LEVER. It is a new provision.

Mr. COX. How large a plant have they?

Mr. LEVER. It is a comparatively small plant, and temporary.

Mr. COX. How long have they been operating it?

Mr. LEVER. Several years.

Mr. COX. What kind of a building do they propose to erect.

Mr. LEVER. A building that will be suitable for laboratory purposes.

Mr. COX. Down in the bottom or up on the hill?

Mr. LEVER. I do not know.

Mr. COX. I do not know whether this is needed or not.

Mr. LEVER. This was recommended several years ago. It has been needed for some time and now it seems to me that it is really an emergency proposition, in view of the fact that the testing work is going to be very large by virtue of the good roads law.

Mr. COX. Well, Mr. Chairman, I may be doing wrong, but I think I shall withdraw the point of order.

The Clerk read as follows:

BUREAU OF MARKETS.

Salaries, Bureau of Markets: One chief of bureau, \$5,000; 1 chief clerk, \$2,000; 1 administrative assistant, \$2,500; 1 administrative assistant, \$1,980; 5 clerks, class 4; 10 clerks, class 3; 15 clerks, class 2; 1 clerk, \$1,380; 1 clerk, \$1,320; 29 clerks, class 1; 1 clerk, \$1,140; 2 clerks, at \$1,100 each; 30 clerks, at \$1,000 each; 3 clerks, at \$1,080 each; 2 clerks, at \$1,020 each; 20 clerks, at \$900 each; 3 clerks, at \$840 each; 2 clerks, at \$720 each; 1 mechanical assistant, \$1,800; 1 mechanical assistant, \$1,380; 1 laboratory helper, \$900; 3 laboratory aids, at \$900 each; 1 laboratory aid, \$840; 7 laboratory aids, at \$720 each; 2 laboratory aids, at \$600 each; 1 photographer, \$1,400; 1 photographer, \$1,200; 1 supervising telegrapher, \$1,620; 1 telegraph operator, \$1,400; 2 telegraph operators, at \$1,200 each; 1 telephone operator, \$600; 1 draftsman, \$900; 1 map tracer, \$900; 1 map tracer, \$720; 1 map tracer, \$600; 1 map tracer, \$480; 2 skilled laborers, at \$900 each; 1 laborer, \$720; 2 laborers, at \$660 each; 4 messenger boys or laborers, at \$600 each; 4 messenger boys or laborers, at \$540 each; 10 messenger boys or laborers, at \$480 each; 2 messenger boys, at \$420 each; 1 messenger boy, \$360; 1 charwoman, \$540; 2 charwomen, at \$480 each; 1 charwoman, \$300; 2 charwomen, at \$240 each; in all, \$198,320.

Mr. COX. Mr. Chairman, I make a point of order on the figures, "\$5,000," page 73, line 16.

Mr. LEVER. It is subject to a point of order.

Mr. MANN. Mr. Chairman, I reserve a point of order on the paragraph. What is the reason for the change of the name?

Mr. LEVER. Mr. Chairman, the Office of Markets and Rural Organization was created some three or four years ago, and it has grown very rapidly in its work. Candidly, the name of the Office of Markets and Rural Organization never did set very well with me personally. It is a long, bungling name and does not indicate very clearly the line of work of that service. The country has come to look upon the Office of Markets and Rural Organization as a Bureau of Markets, and probably three-quarters of the mail addressed to the service by the ordinary individual is by the title of Bureau of Markets; and we felt that it simplified the situation and shortened the name and dignified the office somewhat.

Mr. MANN. Not having been raised in a country where they have monarchs and where they name the princesses by all the names they can find by historical reference, I never have believed in very long names. I think the change is a very good one, but why not also, then, have changed the name of the Office of Public Roads and Rural Engineering. When a man comes to write a letter to one of these bureaus he can not get the name on one line on the envelope.

Mr. LEVER. The gentleman's criticism is entirely good, and I think we can take care of that at some future time. The gentleman understands why the Office of Roads was changed. It was done when we reorganized the department, when certain additional lines were put into that bureau.

Mr. MANN. It would have been easy to have said the Bureau of Roads and Engineering.

Mr. LEVER. I quite agree with the gentleman.

Mr. MANN. Mr. Chairman, this taking of a long name is all right for reform organizations. They want a name as long as possible because they think it looks well coming after their name; they want to make it as long as they can, but when it comes to practical work every name ought to be as short as possible, especially Government names.

Mr. COX. I want to ask the chairman of the committee for information on this gentleman here, "one administrative assistant." Is that a new place?

Mr. LEVER. No; it is not.

Mr. COX. I only make the point of order on the figures "5,000" in line 16.

Mr. LEVER. That is subject to a point of order, and I offer the following amendment.

The Clerk read as follows:

Page 73, line 16, at the beginning of the line in lieu of the figures "5,000" stricken out, insert "4,500."

Mr. MANN. Mr. Chairman, the Bureau of Markets has more than justified the expectation of its best friends. I do not claim that I was one of them. It was suggested in Congress for a number of years that we pass a law creating a division or bureau of markets, specifying what its jurisdiction should be, and sticking in a lot of things about which none of us knew much. But instead of doing that, in an Agricultural appropriation bill several years ago there was placed a modest appropriation justifying the creation, at least temporarily, of the office which might give some information concerning markets and marketing, and work out some kind of a problem or theory. I think they have done exceedingly good work from what I have heard and read coming from that division, and probably in much better shape, under the provisions of the annual appropriation bill which is subject to some extension, than would have been the case if they had tried to define and limit its authority and jurisdiction by the passage of legislation as was originally proposed.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I know of no service in the Government where the increase in the appropriation has been so large as in this item. Last year the appropriation for this item carried \$129,000, and this year \$198,000, an increase of \$69,000. I wish to inquire whether that is merely due to the transfer of clerks from a lump-sum appropriation or due to an increase in the number of clerks?

Mr. LEVER. There are really only three new places in the bureau. One is a draftsman at \$900, one a skilled laborer at \$900, and one a charwoman. The others are all transfers.

Mr. STAFFORD. I have listened with a great deal of interest to the eulogium which has been passed on this bureau by the distinguished leader of the minority.

Mr. CANDLER of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. CANDLER of Mississippi. The reason why this splendid work has been done is because of the most excellent chief of the bureau, one of the brightest and most energetic men in the whole department.

Mr. STAFFORD. Then, I take it, he comes from the gentleman's district?

Mr. CANDLER of Mississippi. No; he does not. The increase to which the gentleman has referred, I am sure, will be used by this splendid officer of the Government to bring about the very best results for all the people.

Mr. STAFFORD. Mr. Chairman, since the convening of Congress, with other Members of the House, I have received Bulletin 401, issued by this Bureau of Markets, concerning the distribution of muskmelons in 1915. It contains a number of printed charts, some 10 or 12, containing the prices of muskmelons at 100 or 200 different places throughout the country. I can not see how these multitudinous charts containing statistics, show-

ing the price of muskmelons throughout the country, can be of any value to farmers, dealers, or anyone else in general. The one I have in my hand is but a sample, there being 12 of the same kind. I think it is not only a waste of activity, but a waste of money.

Mr. LEVER. Mr. Chairman, I can say to the gentleman that I can fill the Record absolutely from cover to cover if necessary for next week with letters and resolutions of commendation from the different business men in that very section, saying that this market-news service has been of immense value.

Mr. STAFFORD. But this does not refer to a particular section, but refers to the entire country.

Mr. LEVER. In the marketing of muskmelons. It is the Oregon melon that I have in mind. I might fill the Record with letters from the apple and strawberry growers and from the onion growers and others.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CONRY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19359, the Agricultural appropriation bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. MAPES was granted leave to withdraw from the files of the House without leaving copies the papers in the case of H. R. 17962, Sixty-third Congress, no adverse report having been made thereon.

JOINT COMMITTEE TO CONSIDER RAILROAD LEGISLATION.

Mr. ADAMSON. Mr. Speaker, there is on the Speaker's desk a joint resolution (S. J. Res. 190) from the Senate, which came over this morning, respecting the continuation of the joint committee to consider railroad legislation, and there is a similar House resolution reported from the Committee on Interstate and Foreign Commerce on the calendar of the House, which I have authority to call up. I ask the Speaker to lay that resolution before the House.

The SPEAKER. The Chair lays the Senate resolution before the House.

Mr. RAYBURN. Mr. Speaker, I do not know enough about the rules of the House to know just when I ought to raise the question of consideration. Should it be raised before this resolution is laid before the House?

Mr. MANN. The question of consideration is raised when the bill is read the first time.

Mr. RAYBURN. I make that as a parliamentary inquiry. In other words, I want to make the point of order against the consideration of the resolution. I want to know when is the proper time for me to make it?

The SPEAKER. What point of order does the gentleman raise?

Mr. RAYBURN. I make the point of order that this is not a privileged matter.

The SPEAKER. Why?

Mr. RAYBURN. It is on the Union Calendar, is it not?

The SPEAKER. The Chair is inclined to think the gentleman's point of order is well taken.

Mr. ADAMSON. Mr. Speaker, if the Chair will hear me a moment—

The SPEAKER. Let us get this straight before we start. This resolution is on the Union Calendar.

Mr. ADAMSON. The Senate joint resolution is not on the Union Calendar. It is on the Speaker's desk, and would not get to the Union Calendar, because it makes no charge on the Treasury at all.

Mr. RAYBURN. The House resolution is the one that controls.

Mr. ADAMSON. The House resolution would probably be so considered; but the committee abandoned that and reported as a substitute the Senate resolution itself verbatim, and inasmuch as the resolution contains no charge on the Treasury it ought not to be on the Union Calendar.

Mr. RAYBURN. I have never understood how you could carry on an investigation without a charge on the Treasury.

Mr. ADAMSON. Because the law we passed carried the appropriation, and this new resolution does not provide for an additional expense at all. It merely provides for an extension of the time in which the committee shall report.

The SPEAKER. There is no question in the mind of the Chair but that the resolution is out of order, and the point of order is sustained.

Mr. ADAMSON. If it is impossible to consider it under the rules of the House, I hope it will be referred to the House Committee on Interstate and Foreign Commerce, so that it may be reported back.

The SPEAKER. All right.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table a Senate joint resolution, which the Clerk will please read.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

A joint resolution (S. J. Res. 187) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution in the class other than Members of Congress.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

EXTENSION OF REMARKS.

Mr. HUTCHINSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the high cost of living.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to extend his remarks in the Record on the high cost of living. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock on Monday.

Mr. MANN. Not on Monday.

The SPEAKER. Is there objection?

Mr. MANN. I object.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 54 minutes p. m.) the House adjourned until Monday, January 8, 1917, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on preliminary examination of Black John Slough, Cal. (H. Doc. No. 1885); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on preliminary examination and survey of Belfast Harbor, Me. (H. Doc. No. 1886); to the Committee on Rivers and Harbors and ordered to be printed, with illustrations.

3. A letter from the Secretary of Agriculture, transmitting a statement of the names of all persons employed in the Bureau of Animal Industry, except those whose salaries were paid from the meat-inspection appropriation, for the fiscal year ending June 30, 1916 (H. Doc. No. 1887); to the Committee on Expenditures in the Department of Agriculture and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SIMS, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18551) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River, reported the same without amendment, accompanied by a report (No. 1255), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 18550) granting the consent of Congress to the county of Montgomery, in the State of Tennessee, to construct a bridge across the Cumberland River, reported the same without amendment, accompanied by a report (No. 1256), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18534) to authorize the construction, maintenance, and operation of a bridge across the St. Francis River, at or near Parkin, Ark., reported the same without amendment, accompanied by a report

(No. 1257), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19296) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the borough of Warren and township of Pleasant, Warren County, Pa., reported the same without amendment, accompanied by a report (No. 1258), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 19297) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River in Glade and Kinzua Townships, Warren County, Pa., reported the same without amendment, accompanied by a report (No. 1259), which said bill and report were referred to the House Calendar.

Mr. CAREW, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19298) authorizing the Western New York & Pennsylvania Railway Co. to reconstruct, maintain, and operate a bridge across the Allegheny River, in the town of Allegany, County of Cattaraugus, N. Y., reported the same without amendment, accompanied by a report (No. 1260), which said bill and report were referred to the House Calendar.

Mr. RAYBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18529) granting the consent of Congress to the police jury of Rapides Parish, La., to construct a bridge across Red River at or near Boyce, La., reported the same without amendment, accompanied by a report (No. 1261), which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18725) granting the consent of Congress to the board of supervisors of Kratka Township, Pennington County, Minn., to construct a bridge across Red Lake River, reported the same with amendment, accompanied by a report (No. 1262), which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill (H. R. 18720) permitting the building of a railroad bridge across the Mississippi River at Bemidji, in the State of Minnesota, reported the same with amendment, accompanied by a report (No. 1263), which said bill and report were referred to the House Calendar.

Mr. DECKER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 18815) to authorize the construction and maintenance of a road across the St. Francis River at or near intersections of sections 13, 14, 23, and 24, township 15 north, range 6 east, in Craighead County, Ark., reported the same with amendment, accompanied by a report (No. 1264), which said bill and report were referred to the House Calendar.

Mr. DEWALT, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 19000) authorizing the Delaware Railroad Co. to construct, maintain, and operate a bridge across the Nanticoke River at Seaford, Sussex County, Del., reported the same with amendment, accompanied by a report (No. 1265), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. PARKER of New Jersey: A bill (H. R. 19728) to increase the efficiency of the Army in time of war; to the Committee on Military Affairs.

By Mr. ROUSE: A bill (H. R. 19729) to remodel, repair, and enlarge the post-office building at Newport, Ky.; to the Committee on Public Buildings and Grounds.

By Mr. ADAMSON: A bill (H. R. 19730) further to promote the safety of employees and travelers upon railroads by amending the "Act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907; to provide for overtime, exceptions, and tolerances, and also to amend "An act providing mediation, conciliation, and arbitration in controversies between certain employers and employees," approved July 15, 1913; to authorize the President of the United States in certain emergencies to take possession of the lines of common carriers engaged in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 19731) to validate certain public-land entries; to the Committee on the Public Lands.

By Mr. LANGLEY: A bill (H. R. 19732) to amend an act entitled "An act to amend an act entitled 'An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late Civil War, the War with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late Civil War,' approved April 19, 1908, and for other purposes," approved September 8, 1916; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 19733) for the control and regulation of the waters of Niagara River, to provide for diversions therefrom, and for other purposes; to the Committee on Foreign Affairs.

By Mr. VOLSTEAD: A bill (H. R. 19734) to prohibit shipment in interstate commerce of intoxicating beverages except to public vendors; to the Committee on the Judiciary.

By Mr. ADAMSON: Joint resolution (H. J. Res. 331) to continue and extend the time for making the report of the joint subcommittee appointed under a joint resolution entitled "Joint resolution creating a joint subcommittee from the membership of the Senate Committee on Interstate Commerce and the House Committee on Interstate and Foreign Commerce to investigate the conditions relating to interstate and foreign commerce, and the necessity of further legislation relating thereto, and defining the powers and duties of such subcommittee," approved July 20, 1916, and providing for the filling of vacancies in said subcommittee; to the Committee on Interstate and Foreign Commerce.

By Mr. VAN DYKE: Joint resolution (H. J. Res. 332) authorizing the Postmaster General to provide the postmaster at St. Paul, Minn., with a special canceling die for the winter-sports carnival of that city; to the Committee on the Post Office and Post Roads.

By Mr. WEBB: Resolution (H. Res. 434) providing for the consideration of S. 706; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY: A bill (H. R. 19735) granting an increase of pension to Lizzie S. Hight; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19736) granting a pension to Clara Della Woormer; to the Committee on Pensions.

By Mr. BELL: A bill (H. R. 19737) granting an increase of pension to Polly Ann Bowman; to the Committee on Pensions.

By Mr. BRUMBAUGH: A bill (H. R. 19738) granting an increase of pension to Edwin C. Beall; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 19739) granting an increase of pension to George W. Easton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19740) granting an increase of pension to Hutcheons B. Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19741) granting an increase of pension to C. W. Jerome; to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 19742) granting an increase of pension to George Hopper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19743) granting a pension to Horace J. Gray; to the Committee on Pensions.

By Mr. COX: A bill (H. R. 19744) granting a pension to George H. Devo; to the Committee on Invalid Pensions.

By Mr. CROSSER: A bill (H. R. 19745) granting an increase of pension to Daniel Fovargue; to the Committee on Pensions.

By Mr. EMERSON: A bill (H. R. 19746) granting an increase of pension to Silo P. Warriner; to the Committee on Invalid Pensions.

By Mr. HELVERING: A bill (H. R. 19747) granting an increase of pension to George N. Morse; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19748) granting an increase of pension to Tilman H. Elrod; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19749) granting an increase of pension to Charles L. Martin; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 19750) for the relief of Don R. Wynne; to the Committee on Claims.

By Mr. KEY of Ohio: A bill (H. R. 19751) granting an increase of pension to James Carmine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19752) granting an increase of pension to Sampson Sherwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19753) granting an increase of pension to Edward Young; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19754) granting an increase of pension to Elisha W. Phillips; to the Committee on Invalid Pensions.

By Mr. KINKAID: A bill (H. R. 19755) granting an increase of pension to Sidney E. Timerman; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 19756) granting an increase of pension to Shadrack Combs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19757) granting a pension to Peyton Johnson; to the Committee on Invalid Pensions.

By Mr. LINTHICUM: A bill (H. R. 19758) granting an increase of pension to Joseph Guest; to the Committee on Invalid Pensions.

By Mr. MCKENZIE: A bill (H. R. 19759) granting an increase of pension to Emma F. Raymond; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19760) granting an increase of pension to William H. Banker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19761) granting an increase of pension to James B. Taylor; to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 19762) granting an increase of pension to Eugene P. Willard; to the Committee on Invalid Pensions.

By Mr. MURRAY: A bill (H. R. 19763) granting a pension to Calvin Sharpnack; to the Committee on Pensions.

By Mr. PARKER of New York: A bill (H. R. 19764) granting an increase of pension to Cass C. Lapoint; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19765) granting an increase of pension to Leonard O. Baldwin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19766) granting an increase of pension to Edmund Coward; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19767) granting an increase of pension to Mason W. Covell; to the Committee on Invalid Pensions.

By Mr. RUBEY: A bill (H. R. 19768) granting an increase of pension to Allen Orders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19769) granting an increase of pension to John W. Roads; to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 19770) granting a pension to Pleasant D. Cooper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19771) to permanently renew patent No. 24917; to the Committee on Patents.

By Mr. SLOAN: A bill (H. R. 19772) granting a pension to Jane Lattimer; to the Committee on Invalid Pensions.

By Mr. STINESS: A bill (H. R. 19773) granting an increase of pension to Thomas L. Jennison; to the Committee on Invalid Pensions.

By Mr. WM. ELZA WILLIAMS: A bill (H. R. 19774) granting an increase of pension to Watson Goodrich; to the Committee on Invalid Pensions.

Also, a bill (H. R. 19775) granting an increase of pension to Andrew J. Grisham; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of mass meeting of the United Business Men of Philadelphia, in re pneumatic-tube service; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Papers to accompany House bill 19691, for relief of Joseph R. Moore; to the Committee on Invalid Pensions.

By Mr. BAILEY: Petition of Albert T. Harvey, M. L. Miller, A. O. Albert, W. S. Lambert, Julius Jacobs, John C. Luther, M. M. Shoupe, Ernest H. Harvey, Mary C. Erhard, G. R. Horner, Frank Murray, C. C. Custer, W. W. E. Moore, H. A. Albert, Russell R. Custer, L. B. Harshberger, J. F. Paul, Q. E. Wegley, Harvey Grubb, Charles C. Sivits, Charles B. Smith, Milton S. Harris, W. S. Livingston, A. P. Reed, and Bernard E. Glass, all employees of the post office at Johnstown, Pa., for the passage of House bill 17806, to regulate the pay of post-office clerks in first and second class offices; to the Committee on the Post Office and Post Roads.

By Mr. BRITTEN: Memorial of members of Methodist Episcopal Preachers' Meeting, of Chicago, Ill., favoring national prohibition; to the Committee on the Judiciary.

By Mr. BRUCKNER: Memorial of joint committee of Philadelphia trade bodies and United Business Men of Philadelphia in re pneumatic-tube mail service in Philadelphia; to the Committee on the Post Office and Post Roads.

Also, memorials of International Brotherhood of Bookbinders and the Genelines Binding & Mailing Co., of New York, in re increase in second-class postal rates; to the Committee on the Post Office and Post Roads.

Also, memorial of Mobile Army Clerks' Association, favoring House bill 19433; to the Committee on Military Affairs.

By Mr. BURKE: Petitions signed by Paul Schumacher and 75 other citizens of Jefferson, Wis., protesting against the passage of either of the following bills: House bill 18986, Randall mail-exclusion bill; Senate bill 4429, Bankhead mail-exclusion bill; Senate bill 1082, District of Columbia prohibition bill; House joint resolution 84, nation-wide prohibition bill; and House bill 17850, to prohibit commerce in intoxicating liquors between the States; to the Committee on the Post Office and Post Roads.

By Mr. CARY: Petition of Sivyver Steel Casting Co. of Milwaukee, Wis., relative to water power at Niagara Falls; to the Committee on Interstate and Foreign Commerce.

Also, petition of Wisconsin Trades Liberty League, against prohibition; to the Committee on the Judiciary.

Also, petition of sundry business men of Wisconsin, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Federated Trades of Milwaukee, Wis., favoring embargo on foodstuff; to the Committee on Interstate and Foreign Commerce.

Also, petition of Samuel G. Higgins, of Milwaukee, Wis., against passage of House bill No. 406; to the Committee on the Public Lands.

Also, memorial of Hansen Storage Co., of Milwaukee, Wis., in re postal legislation; to the Committee on the Post Office and Post Roads.

Also, petition of Gugler Lithographic Co., of Milwaukee, Wis., opposing Senate bill 4429 and House bill 18986; to the Committee on the Post Office and Post Roads.

Also, memorial of committee of editors in re proposed increase in second-class mail rates; to the Committee on the Post Office and Post Roads.

Also, open letter to United States House of Representatives by Charles H. Herty; to the Committee on Ways and Means.

By Mr. CLINE: Petition of George C. Deltrick and 1,500 other citizens of Fort Wayne, Ind., against prohibition bills; to the Committee on the Judiciary.

By Mr. DALE of New York: Petitions of the Publishing House of Methodist Episcopal Church South and the American Printer, against the zone bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Remington Typewriter Co., relative to appropriation for Bureau of Foreign and Domestic Commerce; to the Committee on Appropriations.

Also, petition of the United Business Men of Philadelphia, Pa., relative to pneumatic-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of International Brotherhood of Bookbinders, against increased rates on mail matter; to the Committee on the Post Office and Post Roads.

By Mr. DANFORTH: Petition of sundry citizens of Rochester, N. Y., against House bill 18986; to the Committee on the Post Office and Post Roads.

By Mr. EAGAN: Petition of George R. Nicholson, of Cleveland, Ohio, favoring passage of House bill 13275; to the Committee on Military Affairs.

Also, petition of business men of Philadelphia, Pa., relative to retaining pneumatic mail-tube service; to the Committee on the Post Office and Post Roads.

Also, petition of sundry business firms of the United States, against the zone bill; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens of the State of New Jersey, favoring suffrage for women; to the Committee on the Judiciary.

By Mr. ESCH: Petition of American Federation of Teachers, favoring increase in pay of public-school employees in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FITZGERALD: Petition of 1,640 residents of the United States favoring an embargo on wheat; to the Committee on Interstate and Foreign Commerce.

Also, memorial of United Business Men of Philadelphia, favoring the continuance of the pneumatic mail-tube service in that city; to the Committee on the Post Office and Post Roads.

By Mr. FULLER: Petition of W. S. Calser, of Chicago, favoring Smith-Hughes vocational educational bill; to the Committee on Education.

Also, petition of publishing house of Methodist Episcopal Church South, against increase in postage rates on second-class matter; to the Committee on the Post Office and Post Roads.

By Mr. GARD: Petition of Henry Schuerfranz and 400 citizens of third congressional district of Ohio, against passage of House bill 18986 and Senate bill 4429; to the Committee on the Post Office and Post Roads.

By Mr. IGOE: Petition of 950 members of the German-Austrian Benevolent Society and David Kreyling and Central Trades and Labor Union, of St. Louis, Mo., favoring additional appropriation of \$30,000 for field service of Naturalization Bureau; to the Committee on Appropriations.

Also, petitions of Bakery and Confectionery Workers of St. Louis, Mo.; Local Union, No. 279, St. Louis Branch, and International Union of United Brewery Workmen, against national prohibition; to the Committee on the Judiciary.

By Mr. KAHN: Telegrams from Charles B. Whiting, J. Gunzendorfer, J. B. Martin, Edwin Wasserman, B. R. Strack, Charles Kahn, Miss C. M. Miller, Mrs. C. Utah, Emil Kahn, H. Bull, Katherine S. Treat, N. Higgins, and J. J. Casey, all of San Francisco, Cal., protesting against the proposed rider to the Post Office appropriation bill to increase the rate on second-class postage; to the Committee on the Post Office and Post Roads.

Also, resolutions of Board of Trade of San Francisco, Cal., in opposition to the repeal of the national bankruptcy act; to the Committee on Banking and Currency.

By Mr. KEISTER: Memorial of Sunday school of Hooker, Pa., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LEWIS: Petitions of sundry citizens of the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Henry M. Boward and 134 others of Hagerstown, Md., favoring national prohibition; to the Committee on the Judiciary.

By Mr. LINTHICUM: Petitions of sundry citizens of the State of Maryland, favoring national prohibition; to the Committee on the Judiciary.

By Mr. LOBECK: Petitions of 9 citizens of Little Falls, N. Y.; 11 citizens of Erie, Pa.; Lafayette Retail Merchants' Association, of Lafayette, Ind.; Lafayette Union Stock Yards Co., of Lafayette, Ind.; Western Pennsylvania Veterinary Club; 142 employees of the United States Bureau of Animal Industry, of Omaha, Nebr.; and 51 members of Indianapolis Branch, No. 3, National Association, Bureau of Animal Industry Employees, indorsing the Lobeck bill, House bill 16060; to the Committee on Agriculture.

Also, memorial of Lafayette Branch, No. 51, National Association of Bureau of Animal Industry Employees; mayor and Common Council of city of Lafayette, Ind.; and Ottumwa Branch, No. 33, National Association of Bureau of Animal Industry Employees, indorsing the Lobeck bill, House bill 16060; to the Committee on Agriculture.

By Mr. LOUD: Memorial of City Commission of Big Rapids, Mich., relative to high cost of living; to the Committee on Interstate and Foreign Commerce.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 19716, for relief of Carrie B. Wilson; to the Committee on Invalid Pensions.

By Mr. REAVIS: Petition of H. Herpolsheimer Co., Lincoln, Nebr., against passage of the Stephens bill; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS: Petition of citizens of Concord, Mass., favoring national prohibition; to the Committee on the Judiciary.

By Mr. ROWE: Petition of James Buchanan and F. X. Kuchlor & Son, both of Brooklyn, N. Y., favoring 1-cent postage; to the Committee on the Post Office and Post Roads.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., in re pneumatic-tube service in New York City; to the Committee on the Post Office and Post Roads.

Also, memorial of the Christian Work, of New York; the Pictorial Review Co., of New York; and the Allied Printing Trades Council of Greater New York, opposing increase in second-class stuffs; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Chamber of Commerce of New York, in re export trade; to the Committee on Interstate and Foreign Commerce.

Also, memorial of International Union of the United Brewery Workers of America and the Union Label Trades Department of the American Federation of Labor, opposing prohibition legislation; to the Committee on the Judiciary.

Also, petition of American Association of State Highway Officials, relating to topographic map of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. SANFORD: Petition of sundry citizens against prohibition bills; to the Committee on the Judiciary.

Also, petition of post-office clerks of Troy, N. Y., etc., asking for increase in pay; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 16905, for relief of Henry Garvey; to the Committee on Invalid Pensions.

By Mr. SLOAN: Petition of National Association of Bureau of Animal Industry Employees, favoring passage of the Lobeck bill; to the Committee on Agriculture.

By Mr. SMITH of Michigan: Protest of E. A. M. Dalm, of Dalm Printing Co., of Kalamazoo, against increased rate on second-class matter in Post Office appropriation bill; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 19719, for relief of Wilson J. Parker; to the Committee on Invalid Pensions.

By Mr. STEENERSON: Memorial of Minnesota Rural Letter Carriers' Association, for equipage allowance; to the Committee on the Post Office and Post Roads.

Also, memorial of Wild Rice Farmers' Club, of Twin Valley, Minn., protesting against the enactment of any foodstuffs and farm-products embargo legislation; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Petition of W. B. Glass and others, of Chillicothe, Tex., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. STINESS: Petition of Typographical Union No. 33, of Providence, R. I., against increase in rates on second-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. TAGUE: Petition of citizens of Boston, Mass., favoring embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

By Mr. TEMPLE: Petition of Presbytery of Blairsville, Pa., indorsing Jones Sunday rest bill; to the Committee on the District of Columbia.

By Mr. TILSON: Petition of Chamber of Commerce of New Haven, Conn., asking amendment of the Panama Canal act; to the Committee on the Judiciary.

By Mr. VOLSTEAD: Petition of postal employees for increase of salaries of postal clerks and carriers; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens for increase of postal clerks' and carriers' salaries; to the Committee on the Post Office and Post Roads.

Also, petition of sundry citizens against embargo on foodstuffs; to the Committee on Interstate and Foreign Commerce.

Also, petition of sundry citizens against increase in second-class postal rates; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, January 8, 1917.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast brought us into such close relationship with each other in this life that we can not bear our burdens alone. Thou hast taught us to bear one another's burdens and so fulfill the law of Christ. We pray that we may so live that we shall add nothing to the burdens of anyone who must help us bear ours, that we may help them by lives that are righteous, upright, and just. Grant that we many make the world's burdens lighter by our lives being clean before God and useful in the world. For Christ's sake. Amen.

ALBERT B. FALL, a Senator from the State of New Mexico, appeared in his seat to-day.

The Journal of the proceedings of Saturday last was read and approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Chilton	Fernald	Hitchcock
Bankhead	Clapp	Fletcher	Hughes
Beckham	Clark	Gallinger	James
Borah	Culberson	Gronna	Johnson, Me.
Bryan	Curtis	Harding	Johnson, S. Dak.
Chamberlain	Dillingham	Hardwick	Jones